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The Concluſive Part

OF THE

PARLIAMENTARY

OR

CONSTITUTIONAL

Hiſtory of England;

From the earlieſt TIMES,

TO THE

Diſſolution of the Convention Parliament that reſtored King CHARLES II.

Together with an

APPENDIX

OF

Several Matters relative to the foregoing Hiſtory, which were either omitted in the Courſe of it, or have been ſent in to the Compilers ſince the Publication of the former Parts of this Work.

Tu ſapiens finire memento.

VOL. XXIII.

From the Meeting of the Parliament, after a ſhort Adjournment, *November* 6, to the Diſſolution of it, *December* 29, 1660.

LONDON,

Printed, and ſold by WILLIAM SANDBY, againſt *St. Dunſtan's Church, Fleet-Street*. MDCCLXI.

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The EDITORS to the READER.

THE Concluſive Part of this long and tedious Work now comes to your Hands, which brings it down to the Period we at firſt intended.—We cannot, without Pain, look back on the Rocks and Precipices, nor the barren Plains and inhoſpitable Mountains, we have paſſed over to gather theſe Anecdotes, during a Courſe of more than twelve Years Peregrination. And when we acquaint our Reader that we have gone through all our antient Monkiſh *Hiſtorians, as well as Modern ones; the Parliament Rolls and Records; the Journals of the Houſe of Lords in Manuſcript, thoſe of the Commons in Print, Page by Page; add to theſe whole Cart-Loads, as we may well call them, of old Pamphlets and printed Speeches of the Times, he will not think the Allegory uſed above to be unjuſt.*

We entered upon this Hiſtory, at firſt, with a View that it might all be comprized in Three or Four Volumes at moſt; and, indeed, the firſt Five hundred Years of Parliamentary Proceedings in this Kingdom are contained in Four: But then the later Reigns, as thoſe Times are much nearer our preſent Age, afford a greater Light, and have

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multiplied to that Degree we ſcarce could put any Bounds to them.—What ſtill ſucceeds to our Period is copious and ample, eaſy to trace out, and has been travelled over before This Hiſtory was ever thought of; and indeed was, in ſome Meaſure, the Occaſion of it, for that former Performance ſeemed to us as a Tail without a Head. We have at length fixed on a Head; but how they agree together muſt be left to the Judgment of the Public. We ſhall not diſcant on the Merits or Demerits of the Parliamentary Debates: *We ſhall only ſay, what we know to be true, that they were a Bookſeller's Work, and that we had no Concern in it, nor any Hand in that Undertaking.*

The Parliament which begun in the Year 1640, *and ended not, fully, till twenty Years after, has furniſhed ſo many Materials for This Work, as has brought it to the enormous Size it now ſtands at, being the Contents of no leſs than Fifteen Volumes: And yet the Subject-Matter of thoſe Times is ſo very intereſting, ſo very inſtructive a Leſſon to the preſent Age, and to all Poſterity, as would bear no curtailing or Abridgement. A Reverend Prelate, who lived in, and wrote his Hiſtory very near, thoſe Times, ſpeaking of the peaceful Reign of* Auguſtus, *which ſucceeded to the long Civil Wars of the* Romans, *when the*

moſt

moſt of their perfect Hiſtorians appeared, adds, " *And it ſeems to me that we may expect the ſame* " *Progreſs amongſt us. There lie now ready in* " *the Bank the moſt memorable Actions of twenty* " *Years; a Subject of as great Dignity and Va-* " *riety as ever paſſed under any Man's Hands; the* " *Peace we now enjoy gives Leiſure and Encou-* " *ragement enough; the Effects of ſuch a Work* " *would be wonderfully advantageous to the Safety* " *of our Country, and to his Majeſty's Intereſt;* " *for there can be no better Means to preſerve his* " *Subjects in Obedience for the future, than to* " *give them a full View of the Miſeries that* " *attend Rebellion. There are only therefore want-* " *ing, for the finiſhing of ſo brave an Undertaking,* " *the united Endeavours of ſome public Minds,* " *who are converſant both in Letters and Bu-* " *ſineſs: And if it were appointed to be the La-* " *bour of one or two Men to compoſe it, and of* " *ſuch an Aſſembly to reviſe and correct it, it might* " *certainly challenge all the Writings of paſt or* " *preſent Times.*" *

This is a very high Character of ſuch a Work, and we much doubt whether our Labours can de-ſerve ſuch an Encomium. However, we have done our beſt; we have preſerved many Anecdotes of

* Sprat's Hiſtory of the Royal Society, *Part* i. *p.* 44.

of thoſe Times from utter Ruin and Oblivion. And if we have not dreſſed up our Hiſtory in ſuch pompous Language as others of our contemporary Writers, in this Way, have done, we ſay we never ſtudied it; our whole Aim has been at Truth and Impartiality, and we never ſought to loſe Sight of either, for the Sake of a well-turn'd Period.

And now it only reſts to give Thanks to all thoſe Gentlemen who, from many Parts of the Kingdom, have contributed Materials, out of their own Collections, towards the carrying on of this Work; to thoſe, more particularly, amongſt whom are ſome in high Life and Station, who have honoured the Compilers with their perſonal Communications and Advice; and, laſtly, to the Public in general, for ſo far honouring this Performance, as to take off the firſt Impreſſion of the former Volumes long before the latter were printed, or even wrote. This has made a Second Edition to be loudly called for, and it is ready to put to the Preſs, with many Additions and Alterations to the three firſt Volumes; which ſhall not, however, injure the Purchaſers of the firſt, for Care will be taken to print ſuch a ſuperior Number of Copies as to ſupply thoſe who bought the firſt, by Way of Exchange; allowing only for the ſupernumerary Sheets.

Along

Along with this Volume comes a much larger, in which is contained a copious INDEX *to the Whole; a heavy Work in compiling, and now ſo in Bulk; but whoſe Uſefulneſs, we hope, will compenſate for the larger Price we are obliged to put upon it.*

THE

THE

Parliamentary Hiſtory

OF

ENGLAND.

AT the next Meeting of this Convention Parliament, which was but ſeparated by Adjournment to this Day, *November* 6, there were no Ceremonies uſed; the *Journals* of both Lords and Commons beginning with Buſineſs, as if there had only been an Intermiſſion for one Day. The Houſe of Lords being informed that, ſince their Receſs, the King had been pleaſed to confer the Honour of Peerage on the Lord-Chancellor *Hyde*, their Lordſhips ordered his Introduction in the uſual Manner; and, being created Baron of *Hindon*, he was placed on the Baron's Seat as the youngeſt Baron, where he ſat a-while, and afterwards reſumed his Place again, on the Woollpack, as their Speaker. An. 12. Car. II 1660. November.

The very firſt Thing the Commons did, after their Meeting, on a Motion made by Mr. *Hungerford*, was to vote the Sum of 10,000*l.* to be preſented to the Princeſs *Henrietta*, the King's Siſter; who, ſince their Receſs, had come over with the Queen-Mother from *France*; the latter after an

An. 12. Car. II. 1660. November.

Abſence of nineteen Years. It was alſo moved, by Mr. *Stroud*, to congratulate the Queen's ſafe Arrival. Both which were agreed to by the Lords very chearfully.

The Queen came over at a very unlucky Time; for juſt before her Arrival died her youngeſt Son, *Henry* Duke of *Glouceſter*, a Prince of great Hopes, and conſequently much lamented. Mr. *Hungerford* moved the Commons again to deſire the King to appoint a Faſt for this Breach in the Royal Family; but this Motion not being ſeconded by any one, it dropp'd.

The Clerk of this Houſe read the Articles of what Buſineſs was in Preparation, when they ſat laſt and adjourned. After which Mr. *Knightley* moved for a Settlement of the Militia; which was ſeconded by Mr. *Bodurda*. To which Sir *Henry Cholmley* replied, That the Militia was already in the King's Hands; that it had ſet them together by the Ears once before; and deſired it might be let alone: But Serjeant *Charlton*, Sir *Anthony Irby*, and Sir *Thomas Bludworth*, moving ſtrongly for a Bill, a Committee was appointed accordingly to prepare and bring one in.

Next, on a Motion of Mr. *Lowther*, a Call of the Houſe was appointed to be on this Day Se'nnight. At the ſame Time Sir *John Northcot* moved, That every Member might be examined, whether they had taken the Oaths of Allegiance and Supremacy. Mr. *Prynne*, Whether every one had paid his Poll Money according to his Degree. This Bill being found defective in the Money propoſed to be raiſed by it, Sir *William Morrice*, ſeconded by Mr. *Chafe*, moved to have it amended; and ſaid, The Deficiency came from the Indulgence and Remiſſneſs of the Commiſſioners; and added, That a Review would be as neceſſary as the Gleanings after bad Reapers. Mr. *Prynne* ſpoke in Favour of the Commiſſioners, and their Diligence in furthering the Collection; ſaying, That, to his Knowledge, they had written above 1500 Letters about it: But Mr. Speaker urging the Neceſſity of a Review upon the Aſſeſſ-

Aſſeſſments of all Corporations, who had tax'd themſelves too partially, it was referred to a Committee to conſider of this Poll Bill and the Defects thereof, and to prepare and bring in another Bill, for the better Supply of the Public Service.

Sir *William D'Oiley* reported from the Committee for diſbanding the Army, what Progreſs hath been made in that Service, declaring what Forces they have paid off; what Sums have been paid to every particular Garriſon, Regiment, Troop, and Company, and for diſcharging of Ships, as alſo what Forces are not paid off; with an Eſtimate what Money will be neceſſary to pay off the Land Forces to the 6th of *November* Inſtant, and the Ships to the 17th of *September* laſt: And what Money, both certain and caſual, the Parliament hath conſigned to thoſe Uſes, with a Balance between the Charge and the Money conſigned, the Subſtance whereof is as followeth, *viz.*

Diſbanded in *England*.

	l.	*s.*	*d.*	*l.*	*s.*	*d.*
Twenty-two Garriſons -	20023	18	7			
General Officers with the Train	1642	13	6			
Fifteen Regiments of Foot	117966	0	6	217986	3	9
Four Regiments of Horſe	55353	11	2			
Six Ships paid off ——	23000	0	0			
Diſbanded in *Scotland*.						
General Officers and Train	797	11	3½			
Edinburgh Garriſon ——	206	4	0			
Two Regiments of Foot	20149	8	8	32416	14	8½
One Regiment of Horſe -	11263	10	9			
				250402	18	5½
Forces to be diſbanded in *England*.						
Eleven Garriſons ——	13877	4	0			
Three Regiments of Foot	39308	13	0			
Nine Regiments of Horſe, with the Life-Guard of Horſe	168416	8	10	359734	15	10
Nineteen Ships, by Eſtimate	138132	10	0			
Forces to be diſbanded in *Scotland*, or paid off.						
Garriſons — — —	3118	0	2			
Four Regiments of Foot	48685	19	0			
Maj. Gen. *Morgan*'s Troop	3636	8	10	75681	14	6
Lord *Falkland*'s Regiment of Horſe	20241	6	6			
				Total	435818	10

Beſides divers Sums falling under ſeveral Heads, in the ſaid Report ſpecified.

Monies appointed by Parliament to pay off the Forces by Land and Sea.

	l.	*s.*	*d.*	*l.*	*s.*	*d.*
Aſſignations on the three Months Aſſeſſment, commencing *June* 24, 1660	23000	0	0	413000	0	0
And — — — —	40000	0	0			
By the Poll Bill, eſtimated at	210000	0	0			
Two Months Aſſeſſments	140000	0	0			
	413000	0	0			
So there wants, to anſwer the Sum paid, and the Charge of the Forces to be diſbanded, amounting together to 685,819*l.* 8*s.* 9¼*d.* the Sum of				272819	8	9¼
Beſides the ſaid other Sums from caſual and uncertain Charges, eſtimated at				150000	0	0
And ſo the Money to be provided on the clear Balance is				422819	8	9¼
The Total of the Monthly Charge, by Land and Sea, in *England* and *Scotland*, undiſbanded, is, by the ſaid Report, computed at				32653	12	0
He alſo reported an Account of the Monies received into the Treaſury of the Chamber of *London*, at *Guildhall*, upon the Account of the Poll Bill, amounting to				73185	4	0
Received upon the Loan — — — —				24445	0	0
			In Toto	97630	4	0
Of which paid by the Book — — —				86376	15	4
Reſting in Caſh, to balance — ——				11253	8	8

Which ſaid laſt-mentioned Account was read.

Sir *Anthony Irby* moved to return the King moſt hearty Thanks for his great Care of the Church-Government, in his late gracious

cious Declaration concerning Eccleſiaſtical Affairs, and to make an Act for confirming it. This Motion was ſeconded by Mr. *Bamfield* and Mr. *Stevens*; which laſt ſaid, They might ſee by this, that when the King was ſeparated from his People in Body, yet he was not ſo in Heart. Mr. *Lowther* moved, That the whole Houſe might go to the King to give him Thanks; which was voted, *nem. con.* to be done that Afternoon. Mr. *Barton* was not for making a Law, as yet, upon the King's Declaration, becauſe it referred to the calling of a Synod. Seconded by Mr. *Chaſe* and Mr. *Harris*; and that the Book of Common Prayer ſhould be read in the Houſe. Sir *Thomas Clarges* ſaid, That he was not againſt the laſt Motion, but that the Common Prayer was never read in the Houſe, and moved to have a Law to confirm the Declaration. Mr. *Anneſley* was for referring of it to a Committee to conſider of it, and preſent it to the Houſe. Mr. *Allen*, for appointing a Day purpoſely to take this Matter into Conſideration, and not to do it too ſuddenly. Sir *Thomas Meeres* was againſt making any Act at all, but to leave it to a Synod. Sir *John Maſham*, againſt taking it now into Conſideration. Mr *Boduda* was for it. However, Mr. *Prynne* and Mr. *Jo. Stevens* moving for a Reference to a Committee, it was voted accordingly. An. 12. Car. II. 1660. November.

Mr. *Tomkins* reſumed the other Argument about the Common Prayer, and was for having it read in the Houſe; in which he was ſeconded by Mr. *Finch*. The Speaker ſaid, He never heard it read in the Houſe; but added, There was a Form of Prayer in the Journal-Book, which was uſed to be read by the Speaker. The Lord *Bruce* moved for having the Common Prayer read in the Houſe, or ſome other ſet Form, and not to leave it to the Spirit of Men. Sir *Walter Erle* reproved his Lordſhip for ſpeaking ſo meanly of thoſe who prayed by the Spirit. Mr. *Bamfield* ſaid, He found nothing amiſs in the Miniſter's Prayers. Mr. *Clayton*, for a ſet Form; and Mr. *Prynne* moving for the old Form, it was

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voted to refer it to a Committee to inquire out the old Form, and preſent it to the Houſe.

November 7. This Morning, at the Meeting of the Houſe, the laſt Affair was renewed. After their Miniſter had officiated, Mr. *Bamfield* moved, That a Form of Prayer might not be enjoined him till the Committee had made their Rport, which was referred to them the Day before; and ſaid, That the Maſs might be introduced as well as a good Form, if it was done without Order. Upon this the Speaker excuſed the Miniſter from any more Service till the Form was ordered.

A Bill for preventing the Exportation of Wooll, Wooll Fells, Mortlings, Shortlings, Woollen Yarn, Wooll Flocks, Fullers Earth, and Fulling Clay, on Pain of Death, was this Day read, on the Motion of Mr. *Knight*, a ſecond Time and committed. Mr. *Stevens* moved, That the firſt Fault might not extend to Death.

A Bill for erecting an Endowment of Vicarages, out of Rectories appropriate, was read a ſecond Time. Mr. *Bodurda* moved, That the King might be deſired to do the like out of ſuch Impropriations as belonged to him, and that the Colleges in each Univerſity might do the ſame. Sir *Thomas Meeres* added, That all Laymen ſhould be obliged likewiſe to do it: Which was objected to by Sir *Heneage Finch*, as not fitting to clog the Bill with Gentlemen's Eſtates. Mr. *Prynne* ſaid, The Labourer was worthy of his Hire; and moved that the Bill might paſs. Serjeant *Charlton* was for having it extend to all Impropriations. Serjeant *Hales* was not for all, becauſe he thought it might obſtruct the Bill. Several Members, as, Serjeant *Maynard*, Sir *Thomas Charges*, Mr. *Thomas*, Mr. *Crouch*, &c. ſpeaking for a Commitment of the Bill, it was ordered accordingly.

Sir *Heneage Finch* brought in a Bill for an Anniverſary Faſt on the 30th of *January*, unleſs of a *Sunday*, for ever. Alſo to attaint *Oliver Cromwell*, and divers

divers others, Actors in the horrid Murder of the late King, which had already ſuffered, or were dead. This Bill was read a firſt Time; and Mr. *Prynne* ſaying, That ſince the Traitors heretofore read their Act for the Trial of the King twice together, he deſired this might be read again; which was done and committed. Mr. *Prynne* alſo moved, That it ſhould be referred to this Committee, Whether the reſt that are condemned ſhould be executed. Sir *Anthony Irby* moved, That all their juſt Debts ſhould be conſidered and ſatisfied; but that their Eſtates might remain to the Crown for ever. Serjeant *Charlton* moved alſo for another Bill, in relation to thoſe who ſtood excepted out of the Act of general Pardon, as to future Pains and Penalties, not extending to Life, or elſe to be inſerted in a Clauſe of this Bill; all of which was ordered accordingly.

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November 8. Buſineſs and Debates began now to grow ſlack in the Houſe of Commons, nothing of Moment being done there; but that Mr. *Anneſley* made a Report, That the Queen had returned her Thanks to the Houſe, for the Senſe they expreſſed for her ſafe Arrival: As did alſo the Princeſs Royal and the Princeſs *Henrietta*, for their Preſents from the Parliament. The latter expreſſing her great Affection, and acknowledged the great Kindneſs of the Houſe; but excuſed herſelf that ſhe could not do it ſo well in the *Engliſh* Tongue, which ſhe deſired to ſupply with an *Engliſh* Heart. [a]

It was then ordered, That the Bill of Sales for Biſhops Lands, *&c.* be revived; and that the Debate concerning the Court of Wards be taken up on the 19th Inſtant.

Sir *George Downing* moved to revive the Committee for the Woollen Manufacture of this Kingdom; and deſired they might alſo conſider the State of the Pilchard or Herring Fiſhery; and the Settlement of the *Eaſt-India* Company; which was ordered

[a] This Princeſs was born at *Exeter*, in the Midſt of the late Troubles, and ſtolen away by her Governeſs, when ſhe was an Infant, and carried to her Mother in *France*.

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dered. Likewiſe, on a Motion of Mr. *Knight*, againſt planting of Tobacco in *England*, it was referred to the ſame Committee.

'Reſolved, That the Committee for examining the Debts of the Army and Navy, and other public Debts of the Kingdom, be alſo reviv'd, and that they report the ſame to the Houſe.'

'Ordered, That the Bill for ſupplying the Defects of the Act for Poll Money be ſpeedily prepared and brought in.'

November 9. Sir *Henry Cholmley* delivered a Petition to the Houſe from *Barrington Bourchier*, Eſq; a Member, (Son to Sir *John Bourchier*, who was one of the King's Judges) in Behalf of his Father; he himſelf having been concerned in Sir *George Booth*'s Affair, and, with others, very active in it. Sir *Henry* moved for Favour to him on that Score; and, being ſeconded by Mr. *Knightley* and Sir *William Lewis*, it was referred to the laſt-named Committee on the Bill of Attainder.

Mr. *Barton* made the like Motion in Behalf of Sir *Richard Mauleverer*, whoſe Father was alſo one of the King's Judges; and Sir *Allen Broderick* for Sir *Harry Lee*, who had married the Heireſs of Sir *John Danvers*, another of the Regicides. Mr. *Prynne* argued for attainting them all, and then leave their Lands to the King's Mercy; which was ſeconded by Mr. *Knight*; but ſeveral others moving to refer them to the Committee, they were ordered accordingly.

November 10. This Day Sir *William Wheeler* reported ſome Amendments in the Bill for the better Obſervation of the *Lord's Day*. Sir *John Maſham* moved not to engroſs the Bill, becauſe it was taken Care of in the King's Declaration. Sir *Walter Erle* ſpoke for it; and ſaid, That, in a former Parliament, he knew a Gentleman who, denying ſuch a Bill, fell down dead in the Houſe, he giving his Voice firſt for it, and afterwards againſt it. Which terrible Example, we ſuppoſe, ſo frightened the Houſe

Houſe, that they ordered the Bill to be engroſſed without any more Debate about it. An. 12. Car. II. 1660. November.

Mr. *Bamfield* moved to have the Bill read againſt profane Curſing and Swearing; which was done. Mr. *Stevens* approved it, and deſired there might be a Courſe taken againſt drinking of Healths. Mr. *Swanton* alſo moving, That a Reward ſhould be given to the Informer, the Bill was ordered to be referred to a Committee.

Mr. *Ferrers* brought in a Bill for preventing the voluntary Separation, and living apart, of Women from their Huſbands: That they ſhould not be allowed Alimony, or have their Debts paid, if they went away without Conſent; which was read a firſt Time, and on which a notable Debate enſued, as given in our Diary.

Sir *John Northcot* ſaid, It was not improper for an old Man to ſpeak in Behalf of the Women; that perhaps a young Man, marrying a rich old Woman, might alſo take it into his Head to part from her, and ſo the Woman might be ruined; therefore he moved to throw out the Bill. Sir *John Potts* was not for falling too haſtily on this Matter. Mr. *Knight* moved for caſting out the Bill, becauſe there were Laws already againſt it; and ſaid they ought not to be ſo ſevere to the Female Kind. Mr. *Stevens*, That the Biſhops Court would take Care of ſuch Things; and moved to do nothing in this Matter. Mr. *Hoſkins*, to read it again; ſaying, He knew a Gentleman who paid 500 *l.* for his Wife's Debts in ſix Months Time. Mr. *Bamfield* ſaid, That it was fit Women ſhould have a Livelihood; and yet not to have Power to ruin their Huſbands by their own Debts. Mr. *Knightley* moved to lay the Bill aſide; but Mr. *Prynne* humorouſly ſaying, That, if they did, thoſe that had ill Wives would call for it again within a Day or two, the Queſtion was put, Whether this Bill ſhould be read a ſecond Time on the 15th Inſtant, the Houſe divided; and it was carried for a ſecond Reading, 116 againſt 96. Sir *Ralph Knight* and Mr. *Willoughby*, Tellers for the

Debate on the Alimony of Wives who live from their Huſbands.

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the Yeas; Mr. *Herbert* and Lord *Ancram* for the Noes.

November 12. This Day, amongſt other Matters, Sir *Thomas Clarges* reported the State of the Public Debt; of which he gave in an Eſtimate as follows:

The Eſtimate of the Debts of the Navy, in Charge before his Majeſty's coming in.

The Debts of the Army and Navy ſtated.

For Diſcharge of the Officers and Mariners Wages, Proviſion of Victuals and Stores, and to the Office of the Ordnance; and the ordinary and extraordinary Expences of the ſeveral Yards, the Account is eſtimated to 678,000 *l.*

Whereof the Officers and Mariners Wages, to the 10th of *November*, is exactly ſtated (over and above the 25 Ships now under Conſideration, and beſides that Number of Ships his Majeſty receives into his Pay) to amount to 248.649 *l.* 8 *s.*

The Commiſſioners for diſbanding the Army have eſtimated what Money they conceive will be brought in upon the Bill for Poll Money, and the Aſſeſſments; and compute that there will be wanting, to diſband the remaining Part of the Army, and ſuch of the 25 Ships which are not yet diſcharged, the Sum of 422.819 *l.*

His Majeſty's Commiſſioners for managing the Affairs of the Navy do alſo offer, to be humbly repreſented to the Conſideration of the Houſe, that all his Majeſty's Stores are now empty, both of Victual and all other Neceſſaries for the Fleet; and that the Charge of renewing them will amount to 200,000 *l.*

Which raiſes the whole Sum to	1300819	8	0
Of which Sum that which will require a preſent Supply and Advancement, to pay of the Officers and Mariners, and totally diſband the Army, is	670868	8	0

Debate upon them.

A Debate aroſe on the ſtating this Account, which our Diary gives in this Manner: Mr. *Knight* firſt moved to raiſe Money to pay theſe Debts by a Six-Months

Months Assessment. Mr. *Prynne* said, The Poll Bill had not yet raised to the Amount of 210,000*l.* and moved to nominate a Committee to find out some other Way to raise Money to pay the Public Debts. Sir *Thomas Clarges* was for the House to resolve itself into a Grand Committee on that Account. Sir *John Northcot* moved to borrow Money of the *Hollanders*, and give the Excise for Security at Six *per Cent.* Mr. *Stevens* was for having every Member examined, whether he had paid to the Poll Bill, according to his Degree and Estate. Sir *William Morrice*, in a set Speech, said, The Debts of the Public would be like that Serpent in *America*, which would eat a Cow at a Meal; and, falling asleep, the Birds of Prey devour him; but if they break not the Bones of him, he grows as big as before: So would the Debts of the Nation, he said, if not fully satisfied and paid off together: Or like the Woman's Hen, which she roasted with a Faggot, Stick by Stick, till the Faggot was spent, and the Hen still raw. But said it was fitter to do as one did in *Spain* to the Inquisitor, who, sending to him for a Dish of his Pears, the Man sent him the whole Tree, because he would not be troubled with the Inquisitor again. He concluded with moving for a Year's Assessment, at 70,000*l.* a Month, to do it all with Credit: For the City, he said, was too backward in lending Money, though they had got more since the King came in, than in some Years before.

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This Motion for a Year's Assessment was seconded by Mr. *Pierepoint* and Mr. *Annesley*; the latter urging, That it should be set forth that no more such Tax should be laid upon the People. Mr. *Young* argued against borrowing the Money from the *Hollanders*, to the Dishonour of the Nation. Several Members beside speaking for a Grand Committee, the same was ordered to be the next Morning.

Col. *Lockhart*, late Governor of *Dunkirk*, petitioned the House for Money he had borrowed to support the Garrison there. After the reading of which

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which Sir *John Northcot* ſtood up, and ſaid, He was againſt paying the Debts of that Inſtrument to the Tyrant *Cromwell*; but moved to let him go to his Maſter for his Debt. Some other Members ſpeaking, *pro* and *con*, in this Affair, it was ordered to be referred to the Committee for public Debts, to examine, *&c.*

November 13. A further Act for the better Explanation of the Poll Bill was read a ſecond Time. Dr. *Clayton* moved, That all who were made Lords, or Knights, by *Cromwell*, might pay accordingly; likewiſe all who took the Name of Doctors of Phyſic upon them. Sir *Thomas Bludworth* was for an Explanation, whether Captains ſhould not pay equal to Eſquires. The Bill was committed to the ſame Committee that were ordered to prepare it.

According to the Order of Yeſterday, the Houſe reſolved into a Grand Committee for Conſideration of the public Debts. Mr. Speaker left the Chair, and Serjeant *Raynesford* was appointed to take Care of the Buſineſs.

Mr. *Knight*, ſeconded by Sir *Heneage Finch*, moved to raiſe Money by a Land-Tax. Sir *John Northcot* was for not paying any of *Cromwell*'s Debts; and to leave the raiſing Money by a Land-Tax to the laſt Way of all. Serjeant *Maynard* moved for a Land-Rate; Mr. *Trevor*, for a Monthly Tax; and Mr. *Anneſley*, for a Year's Tax. Sir *William Vincent*, for the ſame. Mr. *Henry Eyre* moved to raiſe 800,000*l.* half by the Exciſe, and the other half by a Land-Rate; and all that would advance Money to be allowed Eight *per Cent.* Mr. *Palmer* urged the ſtating the Debts; which Mr. *Prynne* did, but could not ſtate them all; on which the further Conſideration of this Buſineſs was again referred to the next Morning.

A Book, then printed, intituled, *The Long Parliament revived*, by *Thomas Phillips*, Gent. was offered to the Conſideration of the Houſe, as a Matter wherein their Privileges were much concerned.—Ordered, 'That the ſaid *Phillips* be ſent for into Cuſtody,

Cuſtody, and the Matter referred to the Committee for Privileges to examine, *&c.* An. 12. Car. II. 1660. November.

November 14. According to former Order, the Bill againſt Women, for refuſing to cohabit with their Huſbands, if deſired, was read a ſecond Time; on which another ſhort Debate enſued. Mr. *Ferrers*, who brought in the Bill, ſpoke in Behalf of it, and offered a Proviſo to it. Sir *William Lewis* was for caſting it out. Mr. *Prynne* ſaid he was for the Bill, though he never had a good or bad Wife in his Life. Mr. *Walpole*, That this was ſo ſevere a Bill upon the Women, that, if a Bridge was made from *Dover* to *Calais*, the Women would all leave this Kingdom: That it therefore inverted the Proverb; and *England*, that was formerly the Heaven, would be now the Hell for Women. However, the Bill was committed.

The ſame Day the Houſe went again on Ways and Means to raiſe Money; when Mr. *Bamfield* offered a Petition from ſome Perſons, who then waited at the Door, who propoſed to raiſe 500,000*l.* out of the Church-Lands. Col. *Shapcot* moved to take this Propoſal into Conſideration; which was oppoſed by Sir *Heneage Finch*. Mr. *Prynne* was for having the Church-Lands to pay to a general Aſſeſſment; but it was not agreed to. However, on a Motion of Mr. *Anneſley*, it was reſolved, 'That a Tax of 70,000*l.* a Month, for ſix Months, ſhould be charged on the Kingdom, to commence on the firſt Day of *January* next enſuing: And that Sir *Heneage Finch* and his Majeſty's learned Counſel be deſired to prepare and bring in a Bill for that Purpoſe.

November 15. Sir *John Northcot* moved the Houſe, That a Meſſage be ſent to quicken the Lords to diſpatch ſuch Bills as were ſent up to them from thence, particularly one againſt Papiſts; ſince this Bill, which came down from them, was read preſently. Mr. *Knight* moved to read it again; and Mr. *Young* ſeconding Sir *John Northcot*, Sir *John*

Wyn-

An. 12. Car. II. 1660. November. was ordered to go up to the Lords, to desire that House to give Dispatch to some Bills formerly sent up, and now depending before their Lordships, as, the Bill for confirming of Marriages; that of Leases belonging to Colleges and Hospitals; the Bill for confirming of *Magna Charta*, and other Fundamental Laws; as also the Proclamation for putting the Laws in Execution against Popish Recusants; being all Bills of public Importance. To all which Sir *John Northcot* brought Answer from the Lords, That the three Bills mentioned were under Consideration, and that the Proclamation should also be so, as they would learn by Messengers of their own.

This would naturally lead us back to consider what the House of Lords had been doing all this Time; but, upon Inspection into their *Journals*, we find nothing before them of any great Moment, except some Things which are already mentioned. We shall therefore go on with the Commons, who seem to have the public Business of the Nation most upon them at this Time.

November 16. Mr. *Knightley* brought in a Bill for settling the Militia of this Kingdom; which was read a first Time, and on which a Debate ensued, which we give from the Diary.

Debate on the Militia Bill. Mr. *Pierepoint* moved for casting out this Bill, because there was Martial Law provided in it; which, he said, would be a strange Grievance laid upon the People, and desired another Bill might be drawn without it. Sir *Heneage Finch* said, That, whoever brought in Martial Law, deserved to be made the first Example of it. Neither could he ever consent to bring themselves to be Wards to an Army, when they were endeavouring to free themselves from being so to the King: But was for a second Reading, for the better understanding of this Bill. Sir *Walter Erle* said, He never knew any Bill that ever intrench'd so far upon the Subjects Privilege as this did, and moved for another Bill. Mr. *Knight* spoke for this Bill. Mr. *Gocarick* said, It was one of the best and worst Bills that could be made,

made, and moved for an Alteration. Several other Members, as Mr. *Harris*, Mr. *Prynne*, Mr. *Chafe*, and Mr. *John Stevens*, moved for a ſecond Reading, and to have the Bill regulated. Sir *Edward Turner* ſaid, That it was fitting there ſhould be great Care taken for the Settlement of the Militia; but could not agree to ſet up ſuch a Martial Law as Mr. *Pierepoint* ſpoke of; however, he moved for a ſecond Reading. Lord *Falkland* ſaid, That the ſettling of the Militia heretofore occaſioned all their laſt Miſchief, and therefore adviſed a ſecond Reading. Sir *William Lewis* moved that the Bill might be read again on that Day Se'nnight, ſince many Objections might ariſe, the Bill being of ſo great Importance as to require much Conſideration about it. Serjeant *Charlton* ſaid, There was Reaſon for compulſary Juſtice for thoſe who refuſe to obey Orders; and therefore moved to amend the Bill ſpeedily, and read it the next Morning.

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Sir *Anthony Irby*, Sir *Richard Hopkins*, and Mr. *Anneſley* were for allowing more Time, which was till the 20th Inſtant; though, as the latter ſaid, the Bill was well known already; which the Houſe ordered accordingly.

Mr. *Prynne* offered a Letter to the Houſe, purporting ſome Miſcarriage in one or more of the Lord-Lieutenants acting as a Commiſſioner of the Militia: And, after a long Debate, ſays the Diary, by ſeveral Members, Whether it ſhould be read or no, as it did come from a Member of the Houſe, the Speaker inſtanced a Letter to the Parliament from Sir *John Hotham*; which had not been read, but that he was a Member: However, the Queſtion being called for, the Houſe divided upon it, when the Noes carried it by 181 againſt 105.

The Lord *Howard*, of the North, moved for ſome Courſe to be taken with the Moſs-Troopers, on the Borders of *Scotland*, and delivered in a Bill for that Purpoſe, which was read a firſt Time. Sir *John Lowther* oppoſed this Bill, as he ſaid, for keeping Peace in the Country, and that it might be done as formerly. But Sir *George Downing* ſpeaking

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for the Bill, it was ordered into Consideration on the 20th.

November 17. Mr. *Knightley* moved for a Committee to bring in a Bill for confirming the King's Declaration, touching a Settlement in the Church, which was ordered accordingly.

Mr. *Thomas* reported Amendments to the Bill of Attainder, with the several Times of the Judges sitting at the Trial of the King, and signing the Warrant for Execution; of those who were referred to further Pains and Penalties to be inflicted on them, not extending to Death.

Some Petitions were offered to the House, and read from the Sons and Heirs of such Regicides, which were referred back to the Committee. Col. *Titus* moved to leave them all to the King's Mercy. On the contrary, Mr. *Prynne* moved to proceed against them all, as in the Case of the Powder-Traitors, and produced, for Precedent, the several Books of Proceedings in that Case. He desired, That all those that sat and signed for the King's Death, might be attainted, notwithstanding the Merits of their Children, and then left to the King's Mercy. Mr. *Pierrepoint* seconded this last Motion, and added, To examine well the particular Merits of the Children, before they were recommended to the King. One Member, not named, moved to bring in a Bill apart, for the Attainder of *Cromwell*, *Ireton*, *Bradshawe*, and *Pryde*: But we imagine these Affairs were dropped for the present, for there is scarce a Word of them in the *Journals*.

Mr. Secretary *Morrice* acquainted the House, That he had found out and examined the Author of the dangerous Book, called *The Long Parliament revived*. That his Name was *William Drake*; that he had confessed to him he wrote the said Book, which struck at the Root of their Proceedings; and that he was in Custody at the Door.

Captain *Titus* said, That he knew the Man to be a Loyalist, and a great Sufferer for the King, but did not believe he wrote the Book, tho' he had the Vanity

Vanity to own it. This was ſeconded by Mr. *Holles*. And Mr. *Bamfield* moved for ſlighting the Buſineſs, as the beſt Way to get rid of it. However, the Priſoner was ordered to be called in, and being at the Bar, the Speaker aſked him, Whether he wrote that Book which was then ſhewn him? He confeſſed he did write it, but ſaid, It was out of his Depth of Loyalty and Integrity to the King, and for the Benefit of the Kingdom: That he had been a great Sufferer already for the Royal Cauſe, and it would be hard indeed to make him now ſuffer again for doing what, he thought, was right for his Sovereign. The Speaker again aſked him, Whether he had the Help of any one elſe in it? He anſwered, No, he had no Help but only of the Lord *Coke*'s Books; and that he put the Name of *Phillips* to the Book, becauſe he himſelf, being a Merchant, could not be thought to write ſuch a Book. Mr. *Drake* being withdrawn, Sir *John Frederick* and Sir *Edward Maſſey* both ſpoke in his Favour. Mr. *Prynne* moved to refer it to a Committee. Sir *Heneage Finch* ſaid, That he could not think any thing more dangerous than the writing this Book at ſuch a Time; that it blew up this Parliament totally, and damn'd the Act of Oblivion; and the Author had ſhewed himſelf the greateſt Incendiary that could be, and all his former Merits could not countervail this Action. Therefore he moved to proceed to Juſtice with him, and that he ſhould ſtand committed, and the Buſineſs be referred to the Committee of Privileges. All which was ordered; and that they ſhould read over the ſaid Book, examine and ſtate the material Points that are offenſive there, and report them to the Houſe.

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Mr. *Drake* queſtioned for writing a Book, called, *The Long Parliament revived.*

November 19. This Day, according to former Order, the Houſe fell into a Debate on the Buſineſs of the Court of Wards, and the Settlement on the King in lieu thereof.

Sir *Henry Cholmley* ſaid, That if the King's preſent Revenue was made up 1,200,000 *l.* a Year, the Court of Wards might be ſpared, without any fur-

The Court of Wards aboliſhed.

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ther Trouble. Sir *Samuel Jones* and Sir *Thomas Widdrington* moved to raiſe it by the Exciſe. Mr. *Knight* was for laying Two-pence in the Pound on all the Lands in *England*. Mr. *Pierepoint* againſt a Land Rate; but to lay it on the Exciſe of Ale and Beer. Sir *Thomas Bludworth* againſt the Exciſe, and for a Land Rate; as was Sir *John Potts*. Mr. *Anneſley* was for placing the Tax upon Land; which, he ſaid, ought to pay, and not to charge it upon the poor People, by Way of Exciſe. He was ſeconded by Sir *William Vincent*. Sir *Heneage Finch* moved for referring it to a Committee, to propoſe a Method for raiſing the Sum required. Mr. *Knightley* and Sir *Walter Erle* ſpoke for a Land Rate; which was objected to by Serjeant *Charlton*, who ſaid, He never knew a Land Rate perpetual, as this muſt be. Sir *George Reeves* was rather for regulating the Court of Wards, than burden the People with Taxes. Sir *John Frederick* for laying it upon the Land, which ought to pay it. Mr. *Clifford* for any thing but the Court of Wards. Sir *John Northcot* and Mr. *Thomas* againſt a Land Rate, and to leave the Propoſal at large. Sir *Henry North* alſo ſpoke againſt a Land Rate.

Upon the whole, it was reſolved to adjourn the Debate till the 21ſt Inſtant.

November 20. Very little Buſineſs of Moment happened in the Houſe of Commons this Day, except we mention the further Proceedings againſt Mr. *Drake*, for writing the Book, called *The Long Parliament revived.*

Exceptions to Paſſages in Mr. *Drake*'s Book.

Serjeant *Raynesford* reported the Reſolution of the Committee who examined that Book, That they found ſeveral offenſive Paſſages in it, particularly theſe following, *viz.*

'All other Parliaments (ſpeaking of the Long Par-'liament) have no legal Capacity till this be legally 'diſſolved.' *p.* 6.

'The Act is expreſs, That by no Means, but 'by an Act of Parliament, it ſhall be diſſolved; 'which, as it cannot be done by the dead King, 'but

'but may be done by his Succeſſor, it ought to be 'diſſolved, elſe it remains in full Being and Autho- 'rity.' *p.* 14. An. 12. Car. II. 1660. November.

'The legal Being of the Long Parliament is 'evident.' *p.* 16.

'Tho' many excellent Things have been done 'by this Parliament, yet, their Authority not being 'legally founded, the Nation can promiſe to them- 'ſelves no Happineſs nor Aſſurance.' *p.* 16.

'It were to be wiſhed the Legiſlative Authority 'might revert into the right Channel.' *p.* 17.

'That being a lawful Parliament, this can be none.' *p.* 21.

'At the Committee of Privileges, *Saturday*, *November* 17, 1660.

'Reſolved, upon the Queſtion,

1. 'That the Pamphlet, intituled *The Long Parliament revived*, *&c.* is ſeditious in thoſe Particulars which were alledged at the Committee. Reſolutions of the Committee, and

2. 'That the Houſe be moved to order, That the ſaid Pamphlet be publickly burnt by the Hands of the common Hangman.

3. 'That the Houſe be deſired to appoint a Committee for the drawing up an Impeachment, in the Name of all the Commons of *England*, againſt *William Drake*, for penning and publiſhing of this ſeditious Pamphlet, to be preſented to the Lords.

4. 'That the Houſe be moved, That the ſaid *William Drake* may be kept under ſuch Reſtraint, that none may have Acceſs to ſpeak with him.'

Our Diary tells us, that Sir *Edward Maſſey* preſented a Petition to the Houſe, from Mr. *Drake*, acknowledging his Faults as a raſh and inconſiderate Action; that he had ever retained his Loyalty, and humbly begged the King's Pardon and the Favour of the Houſe. Sir *Edward Maſſey* ſpoke alſo in his Behalf, ſaying, That he looked upon him to be diſtempered, and therefore deſired the Favour of the Houſe for him. Mr. Secretary *Morrice* ſaid, That Puniſhment in the *Greek* was the ſame as Example, and that he ought to be made one, becauſe he A Debate upon them.

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did not own their Power; and moved to agree with the Committee. Captain *Titus* ſpoke highly in his Favour, ſaying, He did not think him infallible, tho' he knew him to be extremely loyal; but he wanted that Temper of Mind which he ought to have; and added, That his former Merits ſhould compenſate for his preſent Slip. Lord *Falkland* was for condemning him firſt, and then leave him to the King's Mercy. Sir *Harry North* ſaid, It was true he had been loyal, but did not know whether he was ſo then; and was for agreeing with the Committee. Mr. *Hyde* moved to examine him again, Whether any one ſaw this Book and approved it before it was publiſhed; and was for agreeing with the Committee. Mr. *Palmer* was for making him an Example. Sir *Heneage Finch* ſaid, The Price of the Book was raiſed, and that every one hoped all would be turned up-ſide down again; that the burning the Book was too tame a Puniſhment; that no Man had Merit enough to expiate the ſetting the Kingdom in a Flame again; and moved to agree in all with the Committee. Mr. *Anneſley* ſaid, He did agree that the Book was ſeditious, but the Man repented of it, and had formerly merited; that it was hard to ruin a Man for the firſt Fault, and moved to forbear a while the Severity of his Puniſhment, but to burn the Book. Sir *John Northcot* ſaid, It was not ſafe nor honourable for them to ſpare him; and moved to agree in all with the Committee but the Impriſonment. Mr. *Howard*, That he was a Perſon who was writing a *Mene Tekel* upon the Wall againſt them, and that they would not ſo much as rap him upon the Fingers; that he ought to be ſeverely puniſhed, by being tied up to the Gallows, whilſt his Book was burning below it; for if he, being a Friend, wrote in that Manner, what would their Enemies do? Sir *John Potts* moved to have him make a public Recantation whilſt his Book was burning. Mr. *Knight*, to make an Example of him, notwithſtanding his former Merits.

At laſt Mr. *Harris*, moving to put the Reſolves of the Committee, ſingly, to the Queſtion, it was voted,

voted, *nem. con.* That the Book was ſeditious; that an Impeachment be drawn againſt Mr. *Drake*; and that Sir *Heneage Finch* go up to the Lords with it, the next Morning, and carry the Book along with him. An. 12. Car. II. 1660. November.

But tho' this Proſecution againſt Mr. *Drake* was ordered in ſo warm and peremptory a Manner, and that he ſhould remain in Cuſtody of their Serjeant at Arms, we do not find that the Commons made any great Haſte in it. Whether it was to puniſh the poor Man the more, by making him lye the longer in Cuſtody, at a great Expence, or the Interpoſition of other Buſineſs prevented it; yet, though the Impeachment was brought in, read, and ordered to be ingroſſed, on the 26th Inſtant, and the Manner of preſenting it to the Lords ordered to be conſiderd of on the 29th, we hear no more of the Matter till the 4th of the next Month, when the Impeachment was actually ſent up to the Lords by the Lord *Falkland*. To which Time we refer any farther Diſquiſition of this Buſineſs.

November 21. The Commons went this Day again on the Buſineſs of the Court of Wards, when Sir *Heneage Finch* opened the Debate, by moving, That the annual Income to be ſettled on the King, in lieu thereof, might be raiſed by an Exciſe on Beer and Ale, and to take away Purveyance alſo. And that half of this Exciſe might be ſettled for the King's Life, and the other half for ever on the Crown. This Motion was ſeconded by Mr. *Bunckley* and Mr. *Pierepoint*; but Sir *John Frederick*, Mr. *Jolliffe*, Sir *William Vincent*, Mr. *Anneſley*, and ſome others, ſpoke againſt it. The laſt-named Gentleman ſaying, That if this Bill was carried, every Man who earns his Bread by the Sweat of his Brow muſt pay Exciſe, to excuſe the Court of Wards, which would be a greater Grievance upon all, than the Court of Wards was to a few. Sir *Anthony Aſhley Cooper* ſpoke againſt the Court of Wards, and for the Exciſe. Mr. *Prynne*, againſt the Exciſe, ſaying, It was not fit to make all Houſe-keepers hold *in Capite*, and Another Debate on the Court of Wards.

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to free the Nobility: And inveighed, paſſionately, ſays the Diary, againſt the Exciſe; adding, That thoſe Lands which ought to pay, being held *in Capite*, ſhould pay ſtill. Mr. *Bamfield* ſpoke on the ſame Side, and ſaid, He was againſt an everlaſting Exciſe, and for laying the Tax on Lands *in Capite*. Mr. *Bainton* alſo was againſt an Exciſe, ſaying, If it was carried ſo, they might expect that, one Time or other, there would be ſome ſtrange Commotions by the common People about it; that he was rather for keeping the Court of Wards, regulated in its Proceedings, than ſubmit to an Exciſe, which, if it was kept up, an Army muſt be ſo too to ſuſtain it. Sir *Thomas Clarges* was againſt the Exciſe, ſaying, That the Rebellion in *Naples* came from Impoſitions and Exciſes. This Debate was ended by Serjeant *Maynard* and Mr. *Trevor*, who both ſpoke for an Exciſe, tho' the laſt ſaid, That nothing but the Court of Wards taking away ſhould have moved him to it. At laſt, the Queſtion being called for, the Houſe divided, the Numbers 151 againſt 149, when it was reſolved, That the Moiety of the Exciſe of Beer, Ale, Cyder, Perry, and Strong Waters, at the Rate it was now levied, ſhall be ſettled on the King's Majeſty, his Heirs and Succeſſors, in full Recompence and Satisfaction for all Tenures *in Capite*, and by Knights Service; and of the Court of Wards and Liveries; and all Emoluments thereby accruing, and in full Satisfaction of all Purveyance. Reſolved alſo, That the further Conſideration of ſettling a Revenue of twelve hundred thouſand Pounds a Year, on the King's Majeſty, be adjourned to *Friday* the 23d Inſtant.

The Militia Bill again debated.

November 22. On this Day the Bill for the Militia was again debated; when Mr. *Chafe* moved, That the Time of Impriſonment, omitted in the Bill, ſhould be limited; and therefore was for recommitting it. Sir *Anthony Irby*, for committing it to the whole Houſe. Mr. *Goodrick*, to reſtrain the Power of the Commiſſioners, which was unlimited in the Bill; and moved for the Speaker to leave the Chair. Mr. *Stevens* ſaid they ought to take Heed

of

of putting an Iron Yoke about their own Necks, and debate the Matter very ſeriouſly firſt: He added, That the *Poſſe Comitatus* was formerly ſufficient to keep us in Peace, and why it ſhould not do ſo then, he profeſſed he was ignorant; however, he was for committing it to the whole Houſe. An. 12. Car. II. 1660. November.

This Debate was interrupted by a Meſſage from the Lords, by two Maſters in Chancery, deſiring a preſent Conference in the *Painted-Chamber*, about a Meſſage they received Yeſterday from his Majeſty; which being agreed to, Mr. *Holles* reported the Subſtance of the Conference as follows, *viz.* Interrupted by

'That the Lord-Chancellor was pleaſed to acquaint them, That, in order to that good Correſpondence which hath been continued, and which he deſires may ever be held, between the two Houſes, That Houſe had been careful to acquaint the Houſe of Commons with all Matters of Conſequence which did occur: And that the Lords having received a Meſſage from the King's Majeſty Yeſterday, which they deſired then to have preſently communicated to you, and ſent their Meſſengers to that Purpoſe; but the important Buſineſs of the Houſe not then permitting, the Lords had therefore deſired this Conference with them, to communicate his Majeſty's Meſſage to them; which Meſſage his Lordſhip read.'

The ſaid Meſſage was read by the Reporter, ſtanding in his Place, and after read by the Clerk, and was as followeth, *viz.*

CHARLES *R.*

IN Conſideration of the Seaſon of the Year, and the Approach of Chriſtmas, *when Members of Parliament will deſire to be at their Houſes in the Country; and, in regard of his Majeſty's Coronation within a Month after* Chriſtmas, *the Preparation for which will take up much of his Majeſty's Thoughts and Time, and the Time of his Servants, which therefore ſhould be vacant from other Buſineſs, his Majeſty hath thought fit to declare, That he reſolves to diſſolve this Parliament on the 29th Day of the next Month, and to* A Meſſage from the King to the Houſe of Lords.

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Given at our Court at *Whitehall*, the 20th Day of *November*, 1660.

This Meſſage being read, Mr. *Buncklay* ſaid it was a very gracious one; and moved to ſet all private Buſineſs aſide, that the public might be firſt diſpatched. The Houſe then reſumed the Debate on the Militia Bill; and our Diary tells us, That Mr. *Giles Eyre* made a ſet Speech againſt giving too great a Liberty in that Bill, and was for having it committed to the whole Houſe. Mr. *Stevens* moved for leaving out the Clauſe which was for Martial Law. Mr. *Bamfield*, That he never ſaw ſuch a Bill; ſaying, There was a ſtrange arbitrary Strain through the whole of it: He repeated ſeveral Paragraphs in it, to which he took Exceptions, and moved for having it laid aſide: Adding, That this was directly taken out of the Bill intended in 56, in *Oliver*'s Parliament, for ſettling Major-Generals throughout the Kingdom. Sir *Heneage Finch* replied to this ſmart Speech of Mr. *Bamfield*'s; and, as our Diary ſays, anſwered all his Exceptions againſt the Bill very excellently, and with ſome Sharpneſs; and moved to commit the Bill; which the Houſe agreed to, and ordered it ſhould be committed to the whole Houſe to go upon the 24th Inſtant.

Reſumed.

The Court of Wards reſumed.

November 21. No Debates happened in the Houſe, worth Notice, till this Day; when the State of the King's Revenue, and the Settlement for the Court of Wards, was again taken up. Mr. *Prynne* began the Debate, by moving the Houſe to conſider, firſt, what legal Things might be offered to make up the King's Revenue, before they fell upon the Exciſe; and named the Cuſtoms of *Ireland* and *Scotland*, the Poſt-Office, and ſeveral others. Sir *Samuel Tuke* ſpoke for the Exciſe. Sir *George Downing* ſaid, The Cuſtoms did not amount to 400,000 *l.*

400,000 *l.* a-year; and, for the Improvement of the King's Parks, there were divers Grants made by the late King to his Servants, which were then claim'd; so that those could not be valued till they were surveyed and settled; and therefore moved to settle the other Moiety of the Excise upon the King. Col. *King* and Mr. *Boscawen* moved for inquiring into the State of the King's present Revenue first, and what was wanting there, before they voted an Addition. Serjeant *Charlton* said, It was scarce possible to know exactly the Value of the King's Revenue, and therefore moved for putting the Question for the Excise. Hereupon an Estimate was read of the Value of the King's Revenue; which, by Computation, came to 819,000 *l.* odd Money. To this Col. *Birch* said, That, by his Computation, he could not make it amount to more than 110,000 *l.* and therefore moved to refer it to a Committee to examine. Sir *John Northcot* said, The King's Revenue was under-rated; and moved that the Excise might be settled in full for the Revenue. Sir *Heneage Finch* said, It was not material whether the Words *in full*, or *in part*, were inserted, and moved for the Question; which being called for, the House, without dividing, voted, That the other Moiety of the Excise on Beer, Ale, Cyder, Perry, Strong Waters, Chocolet[a], Coffee, Sherbet, and Metheglin, be settled upon the King during his Life, in full of the 1,200,000 *l. per Annum* Revenue resolved to be settled on his Majesty. An. 12. Car. II. 1660. November.

'Resolved, That the several Particulars of Chocolet, Coffee, Sherbet, and Metheglin, be added to the former Vote for settling a Moiety of the Excise of Beer and Ale on his Majesty, in Compensation for the Court of Wards and Purveyances. Resolutions upon it, and Conclusion.

'Resolved, That the Time for Commencement of that Part of his Majesty's Revenue, which is to arise from the Excise of Beer, Ale, *&c.* be the 25th of *December*, 1660.

'Resolved, That the Committee for his Majesty's Revenue be revived; and that they do meet, *de Die in*

[a] In the Original, *Ciocolatta*.

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in Diem, and sit at Three o'Clock this Afternoon, in the Queen's Court; and Mr. *Lowther*, Sir *John Talbot*, Mr. *Boscawen*, and Mr. *Reames*, are added to the Committee.

On a Motion of the Lord *Valentia*[a], it was resolved, 'That it be referred to the Committee for his Majesty's Revenue to state the several particular Heads from which the yearly Revenue of 1,200,000*l.* for his Majesty is to arise; and to prepare Bills, as they shall find necessary, for the settling and making the same effectual, and to report the whole to the House: And Col. *King*, Mr. *Elliot*, and Mr. *Young*, are added to that Committee.

'Resolved, That the Committee that brought in the Excise Bill be revived; and that they sit this Afternoon, and speedily consider of forming the said Bill, as to foreign and inland Commodities, in such Sort as may be consistent with the Votes of this House, for settling the Excise of Beer and Ale on his Majesty, and to strike out of the Bill those Clauses which concern Ale and Beer: And they are to inform themselves what Debts have been charged by this Parliament on the Receipt of Excise, and what other public Debts are charged thereon, and to report a List of them to the House: And the said Committee are to meet, *de Die in Diem*, till the same be perfected, and report the whole to the House.

'Resolved, That the Members of this House, who are of his Majesty's Privy Council, be desired to attend the King's Majesty, and humbly represent to him, in the Name of this House, the great Sense this House hath of the many Expressions of Grace which they have received from his Majesty in his several Declarations; and also to acquaint his Majesty with the great Unanimity of this House, in settling a Revenue of 1,200,000*l. per Annum* on his Majesty, according to their former Vote.'

November 28. Two religious Bills, engrossed, were read a second Time, one against the Profanation

[a] *Arthur Annesley*, Esq; who, by the Death of his Father, was then Viscount *Valentia*, afterwards Earl of *Anglesey*.

tion of the *Lord's Day*, the other againſt profane Curſing and Swearing, *&c.* Sir *John Maſham* ſpoke againſt the former, and was for throwing it out, not being ſatisfied which Day in the Week was the *Lord's Day*, that ought to be kept holier than the reſt, but ſaid, It was Novelty. On which Mr. *Prynne* got up and ſpoke for the Bill, alledging ſeveral Reaſons, and vouching divers Authorities for the Antiquity of the Cuſtom. Sir *Ralph Aſhton* moved, That the Speaker ſhould reprove Sir *John Maſham*, for what he ſaid relating to the Sabbath. Sir *John* ſaid, He ſpoke againſt the Bill only becauſe it was a Tranſcript of one in *Oliver*'s Time, and therefore he could not conſent to any Thing that was done by him. To which Sir *George Booth* anſwered, That the Devil ſpoke Scripture ſometimes; and moved for both the Bills to paſs; which was ordered accordingly. An. 12. Car. II. 1660. November.

The ſame Day a Bill for making the King's Declaration, touching Eccleſiaſtical Affairs, effectual, was read a firſt Time; on which a long and notable Debate enſued, which we give alſo from our Manuſcript Diary.

A long Debate on the King's Declaration concerning religious Affairs.

Sir *Allen Broderick* moved to lay the Bill aſide, ſaying, The King would ſuddenly call a new Parliament, and with them a Synod; and moved to let this alone till then. This Motion was ſeconded by Lord *Richardſon*[b]; but Mr. *Stevens* was for having the Bill read again, as it would not ſtand with the Honour of the Parliament to lay it aſide. Sir *George Reeves*, on the contrary, was againſt the Bill, and to be ſatisfied with the King's Declaration. Mr. *Knightley*, for reading of it again; as was alſo Sir *John Northcot*. Sir *Clement Throckmorton* ſpoke againſt the Bill, but very highly for the Declaration; and ſaid, That the Bill gave too great a Toleration, and made the Biſhops no more than *Vox et præterea nihil*. Mr. *Buncklay* ſaid, That without a Bill the Declaration would be inſignificant; that it was very fitting that many Things in the Liturgy ſhould be altered. He produced a Book, printed in 1641, which

[b] Baron of *Clarendel*, in *Scotland*, and Marquiſs of *Norfolk*.

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which was the Opinions of the Biſhops of *Armagh* and *Lincoln*, Dr. *Prideaux*, Dr. *Ward*, Dr. *Featly*, and Dr. *Hacket*, that ſeveral Things in the Liturgy ſhould be rectified; and moved for another Reading of the Bill. Lord *Falkland* ſpoke for the Declaration, but againſt the Bill. Mr. *Henry Hungerford* moved, That all thoſe, who pretended to ſo much Loyalty, ſhould agree with the King's Deſire, that they might all go down into the Country, and be well accepted there; which, he ſaid, they could not better deſerve, than by ſetting this great Affair in Order before their Diſſolution. And, after a very long Speech, he concluded for reading the Bill again. Mr. *Palmer* and Mr. *Monſon* both ſpoke in Favour of the Declaration, but againſt the Bill. Sir *Robert Paſton*, for the ſame; but none of their Arguments are noted in the Diary. On the other Side, Mr. *Howard* ſaid, That the preſent Buſineſs was of the higheſt Concernment that ever yet was brought before them, wherein the Honour of God was ſo much concerned, as well as the Peace of the Nation. He moved, therefore, That the Bill ſhould be read again in three Days. Sir *Richard Temple* ſaid, That there was no Repugnancy between the Declaration and the Bill; and moved for having it read again at the ſame Time.

The Debate ſtill continuing, our Diary goes on with it and tells us, That Sir *Thomas Meeres* ſpoke againſt the Bill and ſaid, That to make this Bill a Law, was the Way to make all Papiſts, and other Heretics, rejoice, ſince it would wholly remove all Conformity in the Church; and therefore moved to lay the Bill then aſide, and leave it to another Parliament and a Synod. Mr. *John Stevens* ſaid, The King had taken much Time and Deliberation to conſider it well, before he publiſhed his Declaration. To this Mr. Secretary *Morrice* added, That the ſame Man who was ſick might be cured with a Medicine at one Time, which would not help at another; and that ſome Things are ſeaſonable now, which were not ſo at another. That Matters were not only to be done, but well done. Sometimes a Wound would

would heal of itſelf, if you applied nothing to it; and added, that Time would rather do that Good which they deſired, than to have it enforced by a Bill; and therefore he was for laying it aſide. An. 12. Car. II. 1660. November.

On the other Side again Mr. *Young* ſaid, He had rather the Bill had never been brought in, than that it ſhould now be laid aſide; that the Ceremonies of the Church were not of that great Weight, as to embroil us again in a new War: But that ſome Indulgence ought to be given to ſuch as had ventured their Lives for the Good of all. He ſaid, He could not hope for any Benefit to be had by a Synod, becauſe the Spirits of the Clergy, for their late Sufferings, would be much higher in Reſentment than the Minds of the Houſe were there; and moved for a ſecond Reading. Sir *Solomon Swale* ſpoke againſt the Bill, but for the Declaration, ſaying, That ſince the Government of the Church was deſpiſed, how were they fallen into Confuſion? And moved, That the Laws eſtabliſhed might ſuffice, and not frame this into a new one. Mr. *Bodurda* ſaid, The King, by his Declaration, having deſired an Indulgence, he hoped they would not reſiſt it; and therefore he moved the Bill might paſs, till the firſt Seſſion of the next Parliament; and was for having it read again in three Days. Sir *John Maſham* ſaid, They had before them an excellent Declaration, metamorphoſed into a very ugly Bill; that the King's Intention was for a Settlement of Religion amongſt us, which ſurely this Bill did thwart; and moved to throw it out. Mr. *Prynne* anſwered the laſt Speaker, and ſaid, The Declaration was to ſettle Peace in the Kingdom only, which the Bill did not confirm; and what a Wonder would it be, after they had given the King Thanks, to throw out the Bill. Mr. *Thurland* ſaid, It was very diſputable, whether ſuch an excellent Declaration would make an excellent Law: He thought not, giving ſo great a Toleration, and endeavouring to leſſen the Liturgy. He added, That he never knew a Declaration, by Wholeſale, voted into an Act; and moved to lay this aſide for the preſent. Col. *Shapcot* ſaid, That

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the King's Honour and the Honour of the Houſe, were both concerned in this Bill. That *Ireland* was highly pleaſed with the Declaration, and begged for Bowels of Mercy one towards another; and was for the Bill. Sir *Heneage Finch* was as much for Indulgence to tender Conſciences as any; but ſaid, It muſt be then uſed and allowed to ſuch as could not conſent to ſuch a Liberty as the Bill offered: Neither did he think it was the King's Deſire to have it put into a Bill; that the Catholics would upbraid them with doing Injury to them, for ſo many Years, for not going to Church, when we were going, ſays he, by an Act, to tolerate it in others. He was not for taking away the Rule of Conformity, nor yet for throwing out the Bill; but he wiſhed it had never been brought in, and moved for a ſecond Reading ſome other Time, rather on that Day Se'nnight.

Mr. *Swinfen* was for having the Bill read again in three Days, ſaying, Nothing was more hoped by the People, than the paſſing this Bill; and therefore they ought not to deceive them: That he thought it would not grate the Biſhops at all, becauſe they were with the King at the framing the Declaration. Lord *Bruce* ſaid, They might as well make every Act of Grace from the King into a Law as this, which he was utterly againſt; and moved to adjourn the Debate. This laſt Motion for adjourning the Debate, or throw out the Bill, was followed by Mr. *Montagu*, Mr. *Allen*, Sir *Jonathan Cope*, Mr. *Palmer*, and Mr. *Barton*; which laſt ſaid, He was againſt making the Declaration into a Law, neither ought it to be ſo, till the King had conſulted with the Synod. Serjeant *Maynard* concluded this long Debate, in ſaying, He was againſt paſſing the Bill, becauſe it gave too great a Liberty, yet would not ſeem to reject it by a Vote, becauſe the King's Declaration, on which the Bill was built, was ſo pleaſing to every one. He moved rather to put the Queſtion, (which was done immediately) Whether the Bill ſhould be read a ſecond Time? The Houſe divided upon it, when the Numbers were 157 for, and 183 againſt, a ſecond Reading. Sir *Anthony Irby*

Irby and Sir *George Booth*, Tellers for the Yeas, Sir *Solomon Swale* and Mr. *Palmer*, for the Noes. An. 12. Car. II. 1660. November.

All this while, and ſome Time after, whilſt this and other great Debates were carrying on in the Houſe of Commons, the *Journals* of the Lords furniſh little or nothing to our Purpoſe; that Houſe being employed wholly in trying Cauſes, or in reading ſuch Bills as the other Houſe had ſent up, in the former of which they had full Buſineſs, from the Multiplicity of Affairs which had gone wrong in Families during the late Troubles. The *Commons Journals* therefore, and our explanatory Diary, muſt be our chiefeſt Guides to carry us on to the End of this Seſſion and Parliament.

November 29. The Lord *Howard*, who was ſent to the King with a Meſſage from this Houſe, relating to the late Settlement on his Majeſty, in lieu of the Court of Wards, reported, That he had attended his Majeſty, and repreſented to him the Senſe of the Houſe on that Occaſion; and that his Majeſty was pleaſed to return for Anſwer, 'That he 'gave the Houſe Thanks for their Care of him, and 'aſſured them he would employ that Revenue for 'the Good of them and the Kingdom.

A Bill had been brought into the Houſe of Lords, and paſſed, *For the Reſtitution of* Thomas *Earl of* Arundel, Surry, *and* Norfolk, *to the Dignity and Title of Duke of* Norfolk. But how this Bill came to paſs there, we know not; for their *Journals* inform us, That, when the Committee made their Report in this Caſe, they ſaid, They had examined ſeveral Witneſſes concerning the preſent Condition of the ſaid Earl, and their Lordſhips were informed, That he was a perfect Lunatic, and had a conſtant Phyſician with him: That he lived in the beſt Houſe in *Padua*, and had twelve Servants to attend him, and all Things fitting to his Quality. Yet, upon ſending to the King, to know his Pleaſure therein, and receiving an Anſwer that he had conſented, the Bill was paſſed, and ſent down to the Commons; where,

On

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on the ſecond Reading of it this Day, greater Debates enſued than was common for a private Bill.

November.

Our Diary tells us, That Serjeant *Maynard* and Mr. *Harris* both oppoſed this Bill, the latter ſaying, That it was promoted by his Lordſhip's Brother, who was a known Papiſt, and ſought it for himſelf; that Mr. *Bodurda*, Sir *John Northcot*, Sir *George Reeves*, Mr. *Knightley*, Mr. *Knight*, and Lord *Falkland*, ſpoke for reading the Bill then again, or committing it; which occaſioned, ſays our Authority, a great Debate, Whether the Queſtion ſhould be to read the Bill a third Time, or to commit it? It was agreed that the moſt regular Way was to commit it. A Committee hereupon being named, ſeveral Members were put down for it, who were not then in the Houſe; on which Mr. *Holles* obſerved, That it was againſt an Order of the Houſe to name ſuch, unleſs any Gentleman did move particularly for it.

An ingroſs'd Bill, intituled, *An Act for prohibiting the Exportation of Wooll, Wooll-Fels, Fullers Earth, or any Kind of ſcouring Earth*, was read a third Time and paſſed, with the Addition to make it Felony. Mr. *Prynne* moved to have the Time limited. Sir *George Downing* againſt it, and ſaid, There were at leaſt 80,000 People in *France* employed in working up *Engliſh* and *Iriſh* Wooll, and therefore moved, That the Puniſhment might not be limited. Sir *Anthony Aſhley Cooper* moved to inſert Tobacco-Pipe Clay into the Bill likewiſe, it being ſuch as the *French* make uſe of inſtead of Fullers Earth. Ordered, That Sir *George Downing* do carry this Bill to the Lords.

A Bill againſt planting Tobacco in *England* was read a firſt Time. Mr. *Prynne* ſpoke againſt it, becauſe it forbad the planting any Tobacco, though for Phyſic or Surgery. But Mr. *Knight*, Mr. *Harris*, and Sir *George Downing*, ſpeaking for the Bill, it was read a ſecond Time, and committed to the Committee for Trade.

November

November 30. This Day, after a long Debate what Buſineſs ſhould be firſt done, the Queſtion was put, Whether Mr. *Ferrers* ſhould make his Report concerning the Bill, For Allowance of Maintenance to Wives ſeparated from their Huſbands on ſlight Occaſions On which the Houſe divided into Yeas 50, Noes 56; and the Report was made of ſome Amendments to the Bill, which he read in his Place, and afterwards delivered them in at the Table. An. 12. Car. II. 1660. November.

Sir *Ralph Aſhton* opened the Debate on this Bill, and moved, in Behalf of it, That no Allowance ſhould be made to Wives on that Occaſion. He ſaid, It was againſt the Law of God and the Realm; that he did not make this Motion for his own private Concernment, but for the future public Good, tho' he had been a Stranger to his Wife and Children now near twelve Years, and never had any Comfort from them in all that Time. He therefore earneſtly deſired the Houſe to conſider of it, and not to allow his Wife all her Alimony ſince *June* 22, 1649. Sir *John Northcot* moved, That in caſe a Man had contracted any Diſeaſe, which was dangerous to his Wife, there the Wife to have an Allowance, as being a lawful Cauſe in living from him. Sir *Heneage Finch* ſaid, That the Houſe was moſt of them Fathers as well as Huſbands, and that therefore Regard was to be had to Daughters for the future, as well as to Wives at preſent: He therefore moved that the Clauſe might ſtand, and that the Eccleſiaſtical Juriſdiction might, for the future, regulate ſuch Enormities. Col. *Shapcot* moved againſt all Eccleſiaſtical Juriſdiction, ſaying, That for a Hen flying into a Church-yard, or ſome ſuch Trifle, they would have excommunicated a Man formerly. Mr. *Stroud*, Mr. *Rich*, and Mr. *Knight*, were for re-committing the Bill, that there might be Care taken for Women that cannot live with froward Huſbands. Mr. *Prynne*, on the contrary, was for no Act at all, ſaying, There was Proviſion enough taken by the Law already; that this was the Way to make good Wives bad, and bad Wives worſe; that, for Neceſſaries, every Man ought to allow; but, for Diſorders, a Man Another Debate on the Bill for ſeparate Maintenance.

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might give his Wife due Correction: And as for Alimony, he ſaid, It was a new Thing; and moved to throw both the Clauſe and the Bill out together. Mr. *Hildyard* moved in Behalf of a Woman that never gave her Huſband any juſt Occaſion to quarrel with her, that Care ſhould be taken for ſuch. Mr. *Holles* concluded this Debate, by moving to recommit the Bill, becauſe there ought to be a Proviſion made for ſuch Women as had very bad Huſbands; and That he underſtood belonged not to a moderate Correction, before ſpoken of. Ordered to re-commit the Bill.

The Bill for erecting and endowing of Vicarages out of appropriate Rectories, was read a third Time and paſſed.

December 1. The Bill for Continuance of the Exciſe, in Recompence of the Court of Wards and Purveyances, was read a ſecond Time.

Mr. *Montagu*, Mr. *Pierepoint*, and Mr. *Prynne*, were for having the Bill re-committed, urging, That the Penalties were too ſevere, as for a Man to go ten Miles to enter what he brews, or forfeit twenty Pounds. And Mr. *Prynne* added, That they could not take away the Court of Wards, which was an antient Prerogative of the Crown, without Breach of their Oaths. Lord *Valentia*, to re-commit the Bill to the whole Houſe. Mr. *Knight* moved againſt the Unreaſonableneſs of the Bill, in ſearching Houſes by Day and Night, and was for re-committing it. It was ordered accordingly to a Grand Committee of the whole Houſe, who were to ſit, *de Die in Diem*, every Afternoon, till that Buſineſs was diſpatched.

Lord *Valentia* moved the Houſe in Behalf of Alderman *Backwell*, to be ſatisfied in the Sum of 20,000 *l.* which he procured and advanced for the Queen of *Bohemia* and the Princeſs Royal; likewiſe 8000 *l.* for *Dunkirk*, for which, by a Vote of the Houſe, he was to be ſatisfied out of the Exciſe. His Lordſhip therefore moved for a Proviſo in the Act, for his Satisfaction; which, he thought, the Houſe was bound in Honour and Juſtice. This Motion

was

was ſeconded by Mr. *Bodurda*; and upon it the Houſe declared, That the Service Alderman *Backwell* did was a good Service, and very acceptable to the Houſe; and that he ſhould not ſuffer thereby, either in Reputation or Eſtate. It was therefore ordered, That the Security on Exciſe given to Alderman *Backwell*, ſhould not be altered without his Conſent.

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December 3. The Bill for the Reſtitution of the Earl of *Arundel*, &c. to the Title of Duke of *Norfolk*, was brought from the Committee to whom it was referred, unaltered, and was read a third Time.

On the Reſtitution of the Title of Duke of *Norfolk*.

The Manuſcript Diary informs us, that Mr. *Stevens* ſpoke very earneſtly againſt paſſing the Bill, ſaying, That the Earl of *Arundel* was always bred amongſt thoſe who were Enemies to the Proteſtants; that the Earl was diſtracted; and that if he was here, it was a Queſtion whether they would confirm the Title; for, in his Opinion, it was giving Honour to the Man in the Moon. On the other Side Sir *Robert Paſton* ſaid, That the Earl's Want of Senſes ſhould rather gain him more Advocates than Enemies; that the Lords had already examined Witneſſes concerning his preſent Condition of Mind, and were ſatisfied with it; that he himſelf was not ſatisfied fully concerning the Death of the late Duke of *Norfolk*, but thought the Reſtoration of the Honour could be no Prejudice to any one; and therefore moved to have the Bill paſs. Mr. *Prynne* ſpoke againſt the Bill, ſaying, It was Nonſenſe, becauſe it did not expreſs from whence the firſt Honour came, nor to whom given; that here was no Patent produced, nor any Form how the late Duke was attainted; and ſaid, the Earl ought to have petitioned for his Honour; but that here was no ſuch Thing. Sir *Richard Onſlow* moved for the Bill, ſaying, That he was one of the Guardians, and thought it very fit it ſhould paſs. Sir *John Holland* was for paſſing the Bill. Mr. *Thomas* moved to have that Part of the Bill, which reflected upon Queen *Elizabeth*, amended at the Table, and then to paſs it. Mr.

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Howard and Lord *Bruce*, for the Bill. Col. *King*, againſt it, ſaying, It was fit to have the Earl here, that the Oaths of Allegiance and Supremacy might be tendered to him. Lord *Falkland* ſaid, He thought him as powerful to do Miſchief as an Earl as a Duke, and was for the Bill. Sir *John Maſham*, for it. Serjeant *Charlton* ſaid, The Houſe was not ready yet for paſſing the Bill, without examining the Record and the Indictment of the late Duke; that it was fitting the Earl himſelf ſhould be here, but if he was ſo far diſtracted, it was better to take his Honour from him, and beſtow it upon the next worthy Perſon in the Family; adding, That it was fitter to uſe the Earl as *Nebuchadnezzar* was, to ſend him amongſt Beaſts, for he had not the ordinary Cleanlineſs of one; and moved to re-commit the Bill. Another Mr. *Howard* and Sir *Richard Temple* ſpoke for the Bill; Sir *Richard Hopkins* againſt it, as it now was, becauſe it reflected upon Queen *Elizabeth*'s Government, and moved to amend it. Col. *Shapcot*, to have the Bill amended; elſe, he ſaid, he could not vote for it. The Lord *Howard* and Sir *Harry North*, for the Bill. Mr. *Bamfield* was againſt the Preamble of it, becauſe it ſaid that the Duke of *Norfolk* ſuffered principally for endeavouring to marry the Queen of *Scots*; neither did the Bill ſhew whether the Honour was entailed or no, which ought to have been done. He ſaid he did not underſtand why they ſhould confer Honour upon a mad Man; neither was it fit to give an Act of Grace to thoſe of the Popiſh Religion. He alſo moved to ſend for the Earl over, but was againſt the Bill. Mr. *Pleydale* ſaid, It was unreaſonable to urge the Bill then, becauſe of the Earl's Diſtemper; but when the Succeſſor came it would be then proper to do it. Sir *Thomas Meeres* ſaid, That, when the Duke of *Somerſet*'s Bill paſſed, the King ſaid it was for an extraordinary Perſon; and if this Perſon could be juſtified to be as deſerving, he would give him his Vote; elſe he deſired the Bill might be thrown out. Sir *George Downing* for the Bill; ſaying, The late Duke was not a Papiſt, as was objected to him, becauſe he denied

nied it at his Trial. Serjeant *Raynesford* againſt bestowing Honours upon any of the Popiſh Religion, which he underſtood this Family was of; and unleſs they took the Oaths he was againſt the Bill. But, laſtly, Mr. *Trevor* and Sir *George Reeves*, ſpeaking for the Bill, the Queſtion was called for, and, being put, the Houſe divided upon it into Yeas 187, Noes 116: A large Majority after all this Debate about it. The Bill was ordered to be return'd to the Lords by Mr. *Howard*. An. 12. Car. II. 1660. December.

December 4. This Day Mr. *Thomas* reported to the Houſe, from the Committee, ſome Amendments and three Proviſoes to the Bill of Attainder, which were read.

Mr. *Goodrick* offered a Petition from *Edmund Challoner*, Nephew of *Thomas Challoner*, one of the King's Judges; wherein he ſhewed, That his Uncle died before the Act came out, and was not named in the Proclamation; therefore he begg'd he might not be included in the Bill of Attainder. Mr. *Prynne* ſpoke againſt the Petition; Sir *Thomas Widdrington* for it. Capt. *Titus* ſaid, That he ſhould willingly conſent to it, but not unleſs he could be ſatisfied whether thoſe Men, who ſat as Judges, had made any Proviſion for the King's Children after his Death. Mr. *Ratcliffe* moved for an Allowance to be made of juſt Debts, Legacies, and Funeral Expences, out of this Forfeiture of thoſe four Perſons Eſtates who have been attainted after their Deaths, *viz. Cromwell*, *Pryde*, *Bradſhawe*, and *Ireton*. Sir *John Northcot* was againſt paying the Funeral Expences of *Cromwell* and *Bradſhawe*. Mr. *Allen* and Lord *Valentia* moved in Favour of the Executors, That they might not be ruined for what they had paid, becauſe they were compelled to pay the Legacies by Law; but that a Proviſo might be added to the Bill concerning it. Sir *Heneage Finch* ſaid, That this Bill was the prime Sacrifice to Juſtice that the Parliament had made; that neither the Queen, nor any of the Royal Family, had the leaſt Relief from thoſe People, but were left to ſtarve in Exile; On the Bill of Attainder.

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Exile; and moved that, if the Debts on Bond be allowed them, the Book-Debts ſhould be ſo too; that the Bill ſhould be engroſſed, and ſuch Proviſoes taken Care for as were proper to be received. Mr. *Holles* ſaid, He had as great an Abhorrence of that black Crew as any one; and therefore moved rather to conſider the poor Creditors, their Wives and Children, and the Executors, by a Proviſo. Serjeant *Charlton* ſaid, That, in Scripture, we are told that the whole Families of Traitors were deſtroyed: That the Caſe was not alike in private Bonds, as it was in this, where the Perſons were attainted. He moved to leave it to the Law, whether to allow any Legacies or not; but added, It was reaſonable the Legatee ſhould refund, and was for putting the Bill to the Queſtion immediately. Sir *Anthony Aſhley Cooper* ſaid, There was Reaſon to allow Settlements before Marriage, or as far retroſpect as the Year 1647. Sir *Edward Turner* was againſt paying their Debts at all, and was for the Queſtion. Col. *Shapcot* ſaid, That to deny the Payment of their Debts, was to puniſh the honeſt Creditors, not the Offenders; and therefore moved to conſider thoſe poor People, by a Proviſo large enough for the Purpoſe. On the contrary Mr. *Prynne* ſpoke againſt any Proviſo, ſaying, There were none for the Gunpowder Traitors, nor any elſe that ever were Traitors before. Capt. *Titus* ended this Debate, by obſerving, That Execution did not leave Traitors at their Graves, but followed them beyond it: And that, ſince the Heads and Limbs of ſome were already put upon the Gates, he hoped the Houſe would order that the Carcaſſes of thoſe Devils, who were buried at *Weſtminſter*, *Cromwell*, *Bradſhawe*, *Ireton*, and *Pryde*, might be torn out of their Graves, dragged to Tyburn, there to hang for ſome Time, and afterwards be buried under the Gallows. This Motion was agreed to, ſays the Diary, *nem. con.* and is confirmed by the *Journals*, where the Order is entered at large. Ordered alſo, That *James Norfolk*, Eſq; Serjeant at Arms, ſhould

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ſee[d] Execution done upon the Bodies; and that Capt. *Titus* do carry up the Order to the Lords for their Concurrence; which was agreed to the ſame Day. The Bill to be engroſſed. An. 12. Car. II. 1660. December.

This Day alſo the long-deſigned Impeachment againſt Mr. *William Drake* was ordered to be carried up to the Houſe of Lords, by the Lord *Falkland*, and delivered at the Bar of that Houſe, in the Name of the Houſe of Commons, and of all the Commons in *England*. This Impeachment is entered in both the *Journals*; but we give it from thoſe of the Commons as follows:

The Impeachment againſt Mr. *Drake*.

'THE Knights, Citizens, and Burgeſſes of the Houſe of Commons, in the Name of themſelves and all the Commons of *England*, do hereby declare, complain, and ſhew, againſt *William Drake*, Citizen and Merchant of *London*,

'That whereas this preſent Parliament, through the Bleſſing of God upon their Endeavours, and the incomparable Grace and Goodneſs of his Majeſty's Royal Condeſcenſions, have proved the happy Inſtruments of repairing the Breaches of this Kingdom, reſtoring the antient Foundations, and paſſing many good and wholeſome Laws for the Safety and Quiet of the People, and are daily preparing ſuch others as may yet ſeem to be wanting.

'Nevertheleſs the ſaid *William Drake*, in Contempt of his Majeſty's Crown and Dignity, and of the Laws and Government of this Kingdom, and out of a wicked and malicious Intention to ſcandalize and ſubvert the Authority and Being of this preſent Parliament, and to raiſe and ſtir up Sedition and Diviſion in this Kingdom, and againſt the Peace

[d] This Order was not executed till *January* 30, after the Diſſolution of this Parliament, when a chronological hiſtorian of theſe Times gives us this Account of it: "This Day, *January* 30. 1660-1, the odious Carcaſſes of *Oliver Cromwell*, *Henry Ireton*, and *John Bradſhaw*, were taken out of their Graves, drawn upon Sledges to Tyburn, and being pulled out of their Coffins, were fixed at the two Angles of the triple Tree, till Sun-ſet; then take down, beheaded, their loathſome Trunks thrown into a Hole (by) under the Gallows. Their Heads were afterwards ſet upon Poles on the Top of Weſtminſter-Hall. — *Gilta Britannorum: Or a* [illegible] George Wharton, London, 1660.

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'Peace of our Sovereign Lord the King, hath lately, 'that is to say, upon or before the 18th Day of *No-* 'vember last, at *Weſtminſter*, in the County of *Mid-* 'dleſex, written, printed, and publiſhed, in the 'Name of one *Thomas Phillips*, Gentleman, a cer- 'tain falſe, wicked, malicious, and ſeditious Pam- 'phlet, intituled, *The Long Parliament revived*; 'or, *An Act for Continuation, and the not diſſolving* 'the Long Parliament, called by King Charles the 'Firſt, in the Year 1640, but by an Act of Parlia- 'ment, with undeniable Reaſons, deduced from the 'ſaid Act, to prove, that That Parliament is not yet 'diſſolved. Alſo Mr. William Prynne's five Ar- 'guments fully anſwered, whereby he endeavours to 'prove it to be diſſolved by the King's Death, &c. By 'Thomas Phillips, Gentleman, a ſincere Lover of the 'King and Country. In which ſaid ſcandalous and 'ſeditious Pamphlet the ſaid *William Drake*, amongſt 'many other wicked Expreſſions, Clauſes, and Aſ- 'ſertions therein contained, doth falſely, maliciouſly, 'and ſeditiouſly affirm and declare,

'Page 6. *Firſt*, That all other Parliaments have 'no legal Capacity, till this (meaning the Long 'Parliament, called in the Year 1640) be legally 'diſſolved.

'Page 14. *Secondly*, The Act (meaning the Act 'of Parliament to which the Title of the Pamphlet 'refers) is herein expreſs, That by no other Way 'or Means, but by an Act of Parliament, it ſhall 'be diſſolved; which, as it cannot be done by the 'dead King, but may be done by the Succeſſor, it 'ought to be ſo diſſolved; or elſe it muſt, and doth, 'by Virtue of this Act, ſtill remain legally in full 'Being and Authority.

'Page 17. *Thirdly*, How much it were to be 'wiſhed, that the Legiſlative Authority might revert 'into that Channel (meaning the Long Parliament 'aforeſaid) by which the Peace and Settlement of 'the Nation, thro' his Majeſty's moſt gracious In- 'fluence, might durably, and without Queſtion, be 'provided for and preſerved.

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'Page 21. *Fourthly*, If that be a lawful Parliament, (ſpeaking of the Long Parliament aforeſaid, 'which he elſewhere affirmed to be in Being) then 'this can be none, nor no other, till this be legally 'diſſolved.

'All which Practices for ſtirring up of Sedition, 'the Commons are ready to prove, not only by the 'general Scope of the ſaid Book, but likewiſe by ſe'veral Clauſes therein contained, beſides theſe be'fore-mentioned, and ſuch other Proofs as the 'Cauſe, according to the Courſe of Parliament, 'ſhall require.

'And do pray, that the ſaid *William Drake* may 'be put to anſwer all and every of the Premiſes; and 'that ſuch Proceeding, Examination, Trial, Judg'ment, and exemplary Puniſhment, may be there'upon had and executed, as is agreeable to Law and 'Juſtice.'

The Lords ordered this Impeachment to be read, after which they made another Order, That the ſaid *William Drake* ſhould be apprehended as a Delinquent, by the Serjeant at Arms, and brought before them the next Morning, to anſwer to his Charge; which being done, and he confeſſing his Fault, the Lords, in Conſideration of the Shortneſs of Time for proceeding further in this Buſineſs, left him to be proſecuted in the King's Bench by the Attorney-General; where what further was done with this honeſt Citizen we know not.

December 5. A Bill had been brought into the Houſe of Commons, read and committed, for ſettling the Poſtage of Letters; and this Day Capt. *Titus* reported ſome Amendments to it, on which a long Debate enſued, and of which our Diary gives very few Remarks. It only tells us, That Serjeant *Glyn* ſaid, He knew this Office was thought a Monopoly in former Parliaments: And that Mr. *Bamfield* brought in a Proviſo to be put to the Bill, in Favour of one Mr. *Porteus*'s Claim to the Office as a Right; which Proviſo was debated near three Hours, and the Queſtion being put, That this Proviſo be read a

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second Time, on a Diviſion it was carried in the Affirmative, 126 againſt 116. Upon which the Proviſo was read again; and, on a ſecond Queſtion, Whether it ſhould be committed, another Diviſion enſued into 96 Noes and 88 Yeas; ſo that, adds the Diary, after four Hours Debate in the whole, this Affair came to no Manner of Determination. The *Journals*, however, tell us, That it was reſolved the Committee for the Poſtage of Letters ſhould meet that Afternoon about it, and make their Report the next Morning.

Debate on the Bill of Attainder renewed.

December 7. Nothing conſiderable came before the Houſe till this Day; when Sir *Heneage Finch* delivered in the Bill of Attainder engroſſed. Mr. *Prynne*, upon the reading of it, obſerved, upon the Providence of God, That the Bill ſhould be brought in at the very Time, which was upon the ſame Day twelve Years, that the King's Trial was agreed on. He therefore moved that ſome others of the Regicides, who had ſurrendered themſelves, ſhould be put into this Bill and now executed, particularly the Lawyers, and named *Garland*. Captain *Titus* ſeconded this Motion, and named Sir *Hardreſs Waller*, who, he ſaid, was a Penſioner to the late King, ſaying, The *Turks* would not eat the Bread of any Man they meant to betray; and that a *Roman* Servant, who betrayed his Maſter, tho' for the public Good, was executed. Lord *Angier* delivered a Proviſo to the Bill, to ſecure a Judgment given to Col. *Ingoldſby*, by Sir *Hardreſs Waller*, for 2000 *l.* which was in 1658. Mr. *Prynne*, againſt it, unleſs the Conveyance was examined. But the Lord *Valentia* and Sir *Heneage Finch* ſpeaking for the Proviſo, it was ordered to be Part of the Bill. Mr. *Ratcliffe* offered another Proviſo for the Allowance of juſt Debts and Legacies. Sir *Richard Onſlow*, for it. Sir *John Northcot* was for throwing it out, and leaving them to the King's Mercy. Sir *Heneage Finch*, againſt it. Mr. *Goodrick* was for altering the Proviſo, elſe, he ſaid, honeſt Men might be puniſhed as well as the Guilty. Lord *Valentia*, againſt it. Sir *William*

William Lewis voted it to be caſt out, as it was then penned. Mr. *Bamfield* moved for amending the Bill in ſeveral Places, elſe, as it is, moſt of the Conveyances in *England* would be deſtroyed. But, our Author ſays, Sir *Heneage Finch* gave a very good Anſwer to all his Objections. An. 12. Car. II. 1660. December.

The Debate continuing, Col. *Shapcot* moved to date the Exceptions, not from 1642, but 1648. He was ſeconded by Mr. *Stevens*. Serjeant *Glyn* likewiſe was againſt thoſe general Words, *divers others*, in the Bill, becauſe it was uncertain who was meant by them; upon which it was voted, That thoſe Words be omitted. Mr. *Holles* and Mr. *Prynne* were for making the Exceptions from 1647, and not 1642. Sir *Solomon Swale*, from 1642. Serjeant *Raynesford*, for the Retroſpects of Settlements to be 1642. Mr. *Young* anſwered, That he thought, in 1642, they had no Deſign againſt the King's Life; and moved for 1647. To which Mr. *Knight* replied, That he knew they had, for he heard *Hugh Peters* preach to that Effect long before, and moved for 1642.

Captain *Titus* was for dating the Time from the firſt Overt-Act that ever was ſhewed againſt the King, which was when the Lord *Eſſex* routed the King's Forces in 1645, and when in all their Commiſſions the King's Name was left out. Sir *William Lewis* was from 1647. Mr. *Palmer*, from 1642. Mr. *Trevor* ſaid, That too great a Retroſpect would puniſh innocent People, and not thoſe who had offended. Mr. *Gott*, for a Retroſpect to 1647. Sir *Thomas Meeres* was for 1642, ſaying, That he heard *Scott* ſay, That he intended the King's Death from 1642. Sir *George Booth* ſaid, In 1642 theſe Regicides were ſo inconſiderable, that they had no Eſtates to make Settlements of, and moved for it to be from 1647. Lord *Valentia* ſaid, There was no ſuch Retroſpect, either in the Caſe of the Powder Traitors, or the *Iriſh* Rebels; neither could he think theſe People had the Crime in their Thoughts in 1642; therefore moved to have their Retroſpect only from 1647. Lord *Falkland* ſpoke for 1642. Mr. *Allen* ſaid, That 1642 would ſavour too much of Reflection;

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tion; and was for 1645. Sir *Heneage Finch* ſaid, That no Perſon was reflected on intentionally by 1642; but, leſt it ſhould be thought ſo, to amend the Bill and make it from 1646: Which, after all this long Debate, was ordered accordingly, and that the Bill ſhould paſs. Reſolved alſo, That the Title of it ſhould be, *An Act for the Attainder of ſeveral Perſons guilty of the horrid Murder of his late Sacred Majeſty King* Charles *the Firſt.*

December 8. The Houſe of Commons reſolved into a Grand Committee, about the Act for a Six-Months Aſſeſſment, at 70,000 *l. per* Month, Sir *Heneage Finch* in the Chair. This Bill, our Diary ſays, was debated, Paragraph by Paragraph, and great Oppoſition made to altering the Rates, divers urging that their Counties were too unequally taxed. But, after half an Hour's Debate, it was reſolved the Tax ſhould be after the old Rate in the laſt Bill. It being then debated, Whether the King's menial Servants ſhould pay to this Tax, it was thought fit not to inſert any ſuch Clauſe, but to let the Bill go, general as it is, for all Perſons to pay. It was moved alſo by divers for altering the Preamble to the Bill, and it was referred to a Sub-Committee to do it, and to draw up Rules in order to diſband the Navy at the leaſt Charge. But to this it was objected that no Committee could appoint a Sub-Committee; but that the Queſtion muſt be, To report this Debate to the Houſe firſt, and then the Houſe to name a Committee. The Speaker having reſumed the Chair, Sir *Heneage Finch* reported the laſt Senſe to the Houſe, on which a Committee was appointed accordingly.

The ſame Day the Lords returned the Order, ſent up to them before, for taking up the Bodies of *Cromwell*, *&c.* with a ſmall Addition to it, which was agreed to; ſo that now the whole Order, as entered in both the *Journals*, ſtands thus, *viz.*

Reſolutions for taking up the Bodies of *Cromwell*, *&c.*

'Reſolved, by the Lords and Commons aſſembled in Parliament, That the Carcaſſes of *Oliver Cromwell*, *Henry Ireton*, *John Bradſhawe*, *Thomas Pryde*, (whe-

(whether buried in *Weſtminſter-Abbey*, or elſewhere) be, with all Expedition, taken up, and drawn upon a Hurdle to Tyburn, and there hanged up in their Coffins for ſome Time; and, after that, buried under the ſaid Gallows: And that *James Norfolk*, Eſq; Serjeant at Arms, attending the Houſe of Commons, do take Care that this Order be put in effectual Execution by the common Executioner for the County of *Middleſex*; and all ſuch others, to whom it ſhall reſpectively appertain, who are required, in their ſeveral Places, to conform to, and obſerve, this Order, with Effect; and the Sheriff of *Middleſex* is to give his Aſſiſtance herein, as there ſhall be Occaſion; and the Dean of *Weſtminſter* is deſired to give Directions to his Officers of the Abbey to be aſſiſtant in the Execution of this Order.

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December 10. This Day, on a Motion of the Lord *Valentia*, the Continuance of 1200 *l.* a Week, for the Support of the Garriſon of *Dunkirk* till the 25th Inſtant, and after that to be at the King's Charge, was ordered. Alſo that the Cuſtoms, Contributions, and other Revenues, ariſing from the Port of *Dunkirk*, ſhall go to the Maintenance of the ſaid Garriſon.

The Commons went again into a Grand Committee on the monthly Tax, Sir *Heneage Finch* in the Chair; and, after ſeveral Debates concerning it, the Speaker went into the Chair, and Sir *Heneage* reported the Deſires of the Houſe, To name a Committee for bringing in Rules for the Payment of the Fleet; which was done, and they to ſit that Afternoon.

Mr. *Prynne* moved in Behalf of the Captives of *Algiers*; but Mr. *Knight* oppoſed it, unleſs the Houſe, he ſaid, was certainly informed of the Particulars. On a Motion, however, of Col. *Birch*, a Committee was appointed to inquire how many Captives there are in *Algiers*, and how much Money will do to redeem them from thence.

Some private Matters engroſſed the Houſe of Commons now for ſome Time, which we ſhall paſs over to

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to come at more material; but, by the Way, it may be neceſſary to mention an Affair, already taken ſome Notice of, relating to the defraying the great Expence the City of *London* had been at, in Pageantry and other Decorations, for the Solemnity of the King's Return; and in order for the Sitting of the Parliament. Capt. *Titus* and Sir *Richard Brown* moved for a Reimburſement of thoſe Charges; and were followed by Lord *Valentia*, Sir *William Lewis*, and Sir *William Vincent*; who ſaid, That if thoſe Things had not been done, the Speaker would not have ſat in his Chair at that Time. Sir *Thomas Bludworth* and Mr. *Trelawny* ſpoke for not putting it ſo much as to the Queſtion: But Sir *Richard Onſlow* was againſt it; becauſe, he ſaid, Every other City and Corporation in the Kingdom might take Example and petition likewiſe. Sir *John Northcot* moved, That the Lord Mayor and Common Council ſhould pay them. Mr. *Trevor* ſaid, He was for the Motion then, though when it was moved before he was againſt it. Mr. *Bodurda* was for not giving Cauſe of Diſcontent to the City, but to grant their Motion. Sir *Heneage Finch* was alſo for it; ſince, as he ſaid, the Bill was only to charge the City amongſt themſelves. One or two Members, as Mr. *Harris* and Mr. *Baker*, ſpoke againſt it; the latter arguing, That, if it paſſed, it would include all their Landlords; meaning, we ſuppoſe, the Owners of the Houſes where the Members lodged. However, after all this Debate, the Houſe divided, Whether a Bill ſhould be brought in to the Effect mentioned; but, upon the Diviſion, the Noes yielded before the Door was ſhut; whereupon Capt. *Titus* was ordered to bring in a Bill the next Morning. After this was paſſed, Mr. *Young* ſtood up and moved, That there might be Leave given for the Country alſo to bring in a Bill for their Charges, though he ſaid he was againſt the laſt. This Motion, our Diary tells us, was ſeconded by ſeveral; but was broke off by Mr. *Pedley*'s reporting ſome Amendments to the Revival of the Poll Act.

A great Debate aroſe upon this Queſtion, Whether

ther thoſe that acted as Eſquires under the former Government, and by the Acts of the former Parliament, ſhould now pay as ſuch; which was voted that they ſhould. Mr. *Prynne* moved, That all thoſe who ſat as Lords in the Lords Houſe of Parliament, under *Oliver*, ſhould likewiſe pay as ſuch. But Mr. *Bodurda* was againſt it; ſaying, That this was the Way to ſet a Penalty, and ſo contrary to the Act of Oblivion; on which the Motion was dropt. Sir *George Howe* was for explaining the Act, what, and how much, Miniſters ſhould pay. This was ſeconded by Sir *Anthony Aſhley Cooper*; but no more is ſaid than that the Amendments ſhould paſs. An. 12. Car. II. 1660. December.

The Buſineſs of ſettling a proper Revenue on the King, in lieu of his antient Right to the Court of Wards, was not yet determined by Commiſſioners; for this Day Mr. *Montagu* reported from the Committee to whom it was referred, That they had agreed upon ſeveral Proviſoes, or Clauſes, to be added to that Bill: Firſt, That this Bill ſhould not prejudice any demeſne Lords, as to Fines, Penalties, *&c.* This was twice read, and, upon the Queſtion, agreed to. Another Motion was made, by Sir *Anthony Aſhley Cooper*, That, in Caſe of Wardſhips, if the Father of the Child ſhould die, the Grandfather might, by Deed or Will, diſpoſe of his Grandchild: On which the following Debate enſued:

The Affair of the Court of Wards renewed.

Mr. *Thurland* was againſt it; ſaying, That it did belong to the Mother by the Law of Nature; neither did the Mother's ſecond Marriage deprive her of it. Mr. *Chafe* and Sir *John Glyn* ſpoke againſt, Sir *Walter Erle* for, the Proviſo. Mr. Secretary *Morrice* ſaid, The End of the Bill was to preſerve Eſtates; and for that Reaſon it was fitter the Wardſhip ſhould be in the King's Hands than the Mother's, who might ſpend it voluptuouſly, as was too often ſeen, he ſaid, now-a-days. He thought the Grandfather ſhould have the Wardſhip rather than the Mother, becauſe, if ſhe marry again, you give it to a Stranger; and moved to accept the Proviſo. Mr. *Winfield* ſaid, Sir *William Morrice* was paſt the Miridian of his Age, and ſo he thought him no competent

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petent Judge of this Matter: That many Grandfathers might live to doat, and marry young Women; and therefore was againſt the Proviſo. Serjeant *Maynard* moved to lay it aſide, and leave it to the next Parliament. Sir *Richard Temple* for the Proviſo; ſaying, A Father-in-Law could not be ſo advantageous, in this Caſe, as the Grandfather. Mr. *Stevens* ſpoke on the ſame Side, urging a Caſe which happened in *Glouceſterſhire*, where a Woman married her ſecond Huſband, one Mr. *Bretheridge*, and went away with him into *France* with the Children, and there bred them up in Monaſteries. Lord *Caſtleton* againſt it; urging another Caſe, where the Grandfather married a young Woman. Mr. *John Stevens*, to lay it aſide at preſent. Lord *Falkland* was againſt the Proviſo; urging, That the Mother had naturally more Love for the Child than the Grandfather. Mr. *Young* for the Proviſo, eſpecially in Caſe the Mother marry again. Sir *Edward Turner* againſt it; ſaying, A young Wife might draw away the Grandfather's Affections to another Troop of Children; and moved to diſpatch the Bill without this Proviſo. He was ſeconded by Lord *Howard*. Mr. *Prynne* was for it, and pleaded for the Grandfather; concluding, *Muliere ne credas*. Lord *Bruce* againſt it; and mentioned ſeveral Mothers who had married diſcreetly. Mr. *Trevor* ſpoke againſt the Proviſo, becauſe there was not Time enough at preſent for it. Mr. *Holles*, to lay it aſide now; but ſaid, It was not fit that a Stranger ſhould have the Grandfather's Eſtate, and therefore was for the Proviſo. Sir *Solomon Swale* againſt it, unleſs they tied up all Widows from marrying. Lord *Valentia* againſt the Proviſo; ſaying, The Law already gave it to the Mothers, and they were more tender than a Grandfather could be. Mr. *Ferrers* and Sir *Thomas Meeres* were both againſt the Proviſo; the latter ſaying, That if you take away the Son from the Mother, you debar her of Marriage. Thus, after a long Debate, the Queſtion being put, Whether this Proviſo ſhould be received and read, it was carried in the Negative without any Diviſion.

Mr.

Mr. *Young* offered an Amendment to the Bill of Excise, which was, That the Duty for Cyder and Perry be taken off. He urged the great Quantity of both which was made in *Devonshire*; that Gentlemen there must be subject to Excisemen; and that it would not gain the King 1000*l.* a-year. He said, That *Devon* was the first County that declared for a Free Parliament; and that this Imposition would be a sad Requital: Therefore he moved that none should pay Excise for Cyder, but such as sell by Retale. Our Diary says, That several Motions were made against this last Affair. Col. *Birch* said, That for one Hogshead that was sold by Retale, forty were sold otherways. Sir *Richard Temple* said, There was as much Reason for Cherry Orchards as for Apples, and moved for the Question. Mr. *Allen* and Sir *Heneage Finch* were for letting the Bill go as it was, lest the whole Duty be struck at. Mr. *Swinsen* moved, That only the Retaler should pay, and the Word *otherwise* put out. Ordered accordingly, and that the Bill be ingrossed. An. 12. Car. II. 1660. December.

December 13. The Time of Dissolution now pressing upon the Parliament, the Commons made a Resolution to sit every Afternoon till further Orders.

A private Bill from the Lords had been sent down, for restoring of *Charles* Earl of *Derby* to the Possession of all the Manors, Lands, *&c.* which belonged to *James* late Earl of *Derby*, his Father; which was this Day read a first Time, but not without some Debate about it. The Case of the Earl of *Derby* debated.

Mr. *Prynne* argued against the Bill; because, he said, It repealed all his Lordship's own Acts and Deeds, which would destroy the Act for confirming Judicial Proceedings lately passed, and moved to throw it out: On which the Speaker observed, That no one could move to throw out a Bill which came from the Lords, but it ought to be questioned whether to read it again or not; which would be a handsome laying it aside. Col. *King* and Mr. *Knightley* were against the Bill; the latter saying, The Purchasers of his Lordship's Lands were owned by him to do

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him a Courteſy at the Time they bought them; and therefore he moved to lay the Bill quietly aſide. Mr. *Rigby* was the only Man that ſpoke for the Bill; and he only ſaid, That his Lordſhip would repay all the Purchaſers Monies; and, in particular, would pay back, for one Purchaſe, 17,000 *l.* which coſt but 1700 *l.* Notwithſtanding this the Bill was laid aſide, for there is no Order entered for a ſecond Reading.

Another, but longer, Debate happened this Day, on a Bill Capt. *Titus* brought in, by Order, for enabling the City of *London* to raiſe Monies for defraying the Expences of providing Trophies, *&c.* for the Solemnity of the King's Reſtoration; which was read a firſt Time.

Debate on the City of *London*'s providing Trophies, *&c.*

Mr. *Prynne* was againſt paſſing this Bill, till the City had paid their Poll Money. Col. *King* argued, That, if this Bill was allowed to paſs, they muſt do the ſame Favour to every City and County that ſhould deſire it; and therefore he was for laying it aſide. Capt. *Titus* ſpoke earneſtly for the Bill; ſaying, It was the Deſire of the Lord Mayor and Common Council of the City, who requeſted it of them. Mr. *Harris* againſt it; ſaying, It was only a Deſign of ſome few Officers of the City to promote the Bill for their own Advantage. Sir *Richard Brown* ſaid, It would rejoice the Fanatic Party highly to have the Bill thrown out, ſince they deny to pay towards it. Lord *Bruce* and Mr. *Knight* ſpoke for it. Mr. *Harry Eyre* ſaid, The Deſire came from a few Perſons only, and not from the major Part; and moved to lay the Bill aſide, or elſe to read it To-morrow Se'nnight, which was the next Day after the Riſing of the Houſe. Mr. *Baker* was for caſting it out; and ſaid, Not one in twenty in the City were for it, and urged the Bill was an Innovation. Sir *Solomon Swale* and Col. *Birch* were for the Bill; Mr. *Boſcawen* againſt it. Lord *Valentia* for it, and urged the City's Readineſs to deliver us all from the late Tyranny. Sir *George Booth* ſpoke for it, becauſe, he ſaid, he ſaw no Petition againſt it. On the whole, the Queſtion being put, Whether to read the

the Bill again on *Saturday* next, it was carried in the Affirmative, 114 againſt 56. An. 12. Car. II. 1660. December.

The Sollicitor-General, Sir *Heneage Finch*, brought in a Bill from the Committee for ſettling on the King, during his Life, the other Moiety of the Exciſe on Beer, Ale, and other Liquors; which was read twice, and ordered to be referred to a Grand Committee, who were to ſit that Afternoon, and ſo *de Die in Diem* till that Buſineſs was diſpatched.

As it has ever been the Cuſtom of Parliament to go upon Grievances whenever ſubſidial Bills were in Agitation, ſo now, when this grand Settlement on the Crown was before the Commons, this old Affair was reſumed; but it was ſomewhat odd to talk of Grievances in a Government ſo newly eſtabliſhed, though upon its old Foundation. The Reader, if this Debate gives him any Satisfaction, muſt praiſe the Memory of the Author of the Diary, ſo often mentioned, for it; for from that Authority alone the whole is taken.

On the Bill for ſettling the Exciſe on the King for Life.

Sir *Walter Erle* moved to do ſomewhat for the Good of the People, in lieu of theſe great Payments; and complained of ſome Diſorders in the Army. He ſaid, That Soldiers had come into ſome Houſes he knew of, and, calling the People *Roundheads*, had done much Miſchief; which he moved might be taken Care of. This Motion was ſeconded by Sir *John Northcot*, who moved for a Committee to conſider of it, and preſent the Grievances to the Lords; and if they would not redreſs them, then this Houſe to remonſtrate to the King. Col. *King* complained againſt the arbitrary Power of Lord-Lieutenants, particularly the Lord *Derby*. Mr. *Stevens* ſaid, That as he had lived an *Engliſhman*, he deſired to die ſo, and not to leave his Poſterity Slaves. He ſpoke alſo againſt the Lord-Lieutenants, and moved for a Committee to examine all Abuſes. Sir *George Booth* for the ſame; ſaying, There were very great Abuſes abroad. Mr. *Palmer* moved to check Col. *King*, who miſtook his Information concerning Lord *Derby*. Mr. *Harry Hungerford* ſpoke alſo againſt the Exorbitancies; aver-

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ring, That, to his Knowledge, in ſome Places, 2 *s.* 9 *d.* a-day was exacted for each Trooper, and this eſpecially whilſt the Parliament is ſitting; and moved to acquaint the King with theſe Grievances.

Sir *Heneage Finch* ſaid, The Remedy was to be had without going out of the Door; it was but to reſume the Debate of the Militia, whereby all theſe Abuſes might be regulated. He moved againſt any Remonſtrance; which, he ſaid, was the Wilderneſs in which at firſt they wandered to Deſtruction; and was not for having them fully the Glory of their Offering, the Revenue, with a Complaint to the King at the ſame Time.

The Debate ſtill continuing, Lord *Howard* ſaid, That theſe Complaints were not ſo univerſal as ſome would make them. He juſtified the Diſtrict where he had to do from any ſuch Thing; but that it all might be remedied by reſuming the Militia Bill. Mr. *Bunckley* was ſatisfied there were ſuch Abuſes done; but ſaid, That in his Country all was quiet, by the Care of the Lord-Lieutenant there; yet was for a Bill to reſtrain all. Mr. *Bamfield* acquainted the Houſe, That he had a Petition given him, by one, againſt the Lord *Derby*, about a Miniſter kept out of his Church, whilſt another was put into it by Lord *Derby*'s Soldiers, who had taken Poſſeſſion of the Miniſter's Houſe: That they knock'd him down ſeveral Times, crying, *Is the Rogue living ſtill?* That they alſo knock'd down his Wife, which made her miſcarry; and, after thus injuring them, turn'd them both out of Doors. He added, That Papiſts were ſet upon *Haſel* [h], and inſtanced Mr. *Foley* and Mr. *Moore*, whoſe Horſes were ſo ſet out: But yet, he ſaid, That, in all theſe Complaints, there was no Reflection thrown upon his Majeſty, but on thoſe employed under him. He thought the Bill for the Militia could not now be finiſhed in Time; but moved to acquaint the King with theſe Matters, and deſire his Care and Reproof therein. In Anſwer to this Charge againſt the Lord *Derby*'s Soldiers, Mr. *Rigby* ſtood up and ſaid, That he came thro' the

[h] So in the Manuſcript; but the Meaning unknown.

the Town where the Miniſter lived, and dwelt himſelf not far from thence, and he heard nothing of this great Complaint made by Mr. *Bamfield*: But, ſince he got to Town, he heard that this Miniſter, Mr. *Jeſſop*, refuſed to give Obedience to a Replevin, which cauſed a great Oppoſition by the Sheriff's Officers, and ſome Violence was offered him on that Account: That he got Guns into his Houſe to oppoſe the lawful Miniſter, who was come to take Poſſeſſion; and therefore left it to the Houſe to conſider of this Complaint. An. 12. Car. II. 1660. December.

Sir *Samuel Jones* moved for the Militia Bill, that they might know, he ſaid, how to govern and be governed. Lord *Falkland* told the Houſe, That the King had taken Care for all theſe Things; and moved to go to the Buſineſs of the Day. Sir *Anthony Aſhley Cooper* ſaid, Thoſe Things had no Approbation from his Majeſty, but Checks; and moved for a Law to know how to walk by a Rule; but to paſs over ſuch Things as could not be juſtified.

The reſt of this Debate was of no great Significancy; Sir *Ralph Aſhton* complained of Exorbitancies, and moved to ſend for ſome of the Offenders. Sir *John Bowyer* deſired that all Counties might not be aſperſed for the Wrongs done in one, and was for an Act. Colonel *Sheapcot*, againſt raiſing Money by others whilſt the Parliament is ſitting. Mr. *Goodrick* was for a Conference with the Lords. At laſt, Serjeant *Maynard* moving for ſome Amendments to be made to the old Militia Bill, it was ordered, That the Grand Committee do meet that Afternoon about it.

December 14. This Day ſomewhat remarkable happened, in regard to the Rules of the Houſe. Serjeant *Maynard* moved, That the Speaker would reprove all Perſons that he obſerved talking, or but whiſpering, or reading a Paper. Very ſoon after, and whilſt a Bill was reading, the Speaker took Notice of ſome Gentlemen that were talking near the Bar; whereupon it was ordered, That if any Gen-

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tleman, for the future, ſhould ſtand at the Bar, he ſhould forfeit Twelve-pence.

Few Debates were in the Houſe now for ſome Days, and Buſineſs went on without them. Some Reports from the Committee for ſettling the other Moiety of the Exciſe on Beer, *&c.* as alſo on the Bill for an Exciſe on Inland and Foreign Commodities, were received and put forward by the Houſe.

Dec. 15. The firſt Bill for ſettling an Equivalent on the King for taking away the Court of Wards, was, this Day, paſſed in the Houſe of Commons, after a great Number of Additions, Alterations, and Amendments made to it. The Bill for ſettling the other Moiety, *&c.* was referred to *Monday*,

Dec. 17. The famous Mr. *Milton* having now laid long in Cuſtody of the Serjeant at Arms, was releaſed by Order of the Houſe. Soon after Mr. *Andrew Marvel* complained that the Serjeant had exacted 150 *l.* Fees of Mr. *Milton*; which was ſeconded by Col. *King* and Col. *Shapcot*. On the contrary, Sir *Heneage Finch* obſerved, That *Milton* was *Latin* Secretary to *Cromwell*, and deſerved hanging. However, this Matter was referred to the Committee of Privileges to examine and decide the Difference.

The ſecond Bill of Settlement paſſed.

This Day alſo the Bill for the other Settlement on the King was read and paſſed, Alderman *Backwell*'s Proviſo for 28.450 *l.* being firſt admitted.

Sir *John Northcot* made a Motion, That there might be 5 or 6000 *l.* given to the King to buy Jewels for the Crown, the reſt being ſtolen from it; ſeconded by the Lord *Valentia*, and to make it up 10,000 *l.* as a Mark of the Favour of the Houſe, having taken away ſuch a Jewel from the Crown as the Court of Wards. Mr. *Prynne* was alſo for the Motion; but for Sir *Henry Mildmay* to pay it, having, as he ſaid, ſtolen the former.

Lord *Howard* was for the Motion, as alſo Sir *William Lewis*, who moved for laying a Month's Aſſeſſ-

Assessment to raise the Money, rather than charge it on the Excise, according to others. Sir *Heneage Finch* seconded this last Motion; and, accordingly, it was ordered, That a Month's Assessment, after the Rate of 70,000 *l. per Mensem*, be granted and given to the King towards the Charges of his Majesty's Coronation, and to buy Jewels for the Crown, suitable to his Honour and Grandeur, and as a Memorial of the Respect and Affection of this House to his Sacred Majesty. An. 12. Car. II. 1660. December.

Mr. *Young* moved to consider those that were instrumental in the King's Preservation, after the Battle of *Worcester*, and named Col. *Francis Windham*; adding, That there was 1000 *l.* offered to take the King, and the *Romans* used to give Rewards to any that preserved a private Citizen. Sir *John Northcot* was against it, saying, There were many of the like Nature concerned, and was for leaving of it to the King. On this our Diary tells us Col. *Windham* himself stood up and said, That the Act itself was a sufficient Reward; and therefore he did not press for any on that Account, but modestly mov'd to go to the public Business. Mr. *Holles* moved to give him the public Thanks of the House. Lord *Falkland*, for a Jewel. Lord *Bruce* desired the Motion might not die. Lord *Valentia*, for the solemn Thanks of the House. Mr. *Buckley* moved for rewarding both his Modesty and his Merit with a Jewel of 1000 *l.* Value, chargeable on the Arrears of the Excise. This Motion was accepted and ordered accordingly; after which, by another Order of the House, the Speaker addressed himself to the Colonel, in these Words, as they are entered in their *Journals*: Mr. *Windham*, "You perceive what Notice the House hath taken of your great and eminent Service, whereby it pleased God to make you instrumental in the Safeguard and Preservation of his Majesty's Sacred Person; a Blessing we have all an Interest in. We have had many despairing Years; and, by your Means, we have been raised out of the Grave of Despair and Confusion: And therefore I am commanded, in the Name of

Col. *Windham* rewarded for preserving the King after the Battle of *Worcester*.

An. 12. Car. II. 1660. December. of this Houſe, and thoſe they repreſent, the Commons of *England*, to give you, and I do accordingly give you, their hearty Thanks."

'Ordered, That the Houſe do ſit this Afternoon, and that the Lords be deſired to do ſo too, by reaſon of the great Weight of Buſineſs to be done before the Riſing of the Houſe.'

Capt. *Titus* reported the Bill for the Settlement of the Poſt-Office, with the Amendments; which were agreed to. Sir *Walter Erle* delivered a Proviſo for the Letters of all Members of Parliament to go free during their Sitting. Sir *Heneage Finch* ſaid, It was a poor mendicant Proviſo, and below the Honour of the Houſe. Mr. *Prynne* ſpoke alſo againſt the Proviſo. Mr. *Bunckley*, Mr. *Boſcawen*, Sir *George Downing*, and Serjeant *Charlton*, for it; the latter ſaying, The Council's Letters went free. The Queſtion being called for, the Speaker was unwilling to put it, ſaying, He was aſhamed of it; nevertheleſs the Proviſo was carried and made Part of the Bill, which was ordered to be ingroſſed.

In the Afternoon of this Day, the Bill againſt planting Tobacco in *England* paſſed the Commons, which was all of Moment that was done. The Diary tells us that an ingroſſed Bill, for a Supply of the Defects of the Poll Bill, was debated two Hours, when it was adjourned to the next Day; but gives none of the Arguments upon it.

Letters from the King, &c. concerning Admiral *Lawſon*.

Dec. 18. A Letter from the King, directed to the Speaker of the Houſe of Commons, was read, in Behalf of Vice-Admiral *Lawſon*, to confirm to him 500*l.* a Year, given to him by the Parliament in *February* laſt. This Letter of the King's was attended by one alſo from the Duke of *York*, on the ſame Occaſion; another from the Duke of *Albemarle*, and a Petition from Sir *John Lawſon* himſelf. On all which a curious Debate enſued, which explains a Paſſage entered in the *Journals*, which, without it, is unintelligible.

Sir

Sir *Anthony Irby* firſt excepted againſt that Paſ- An. 12. Car. II. 1660. December.
ſage in the King's Letter, which calls them a Parliament in *February* laſt, when they were then, he ſaid, no more than the Rump of a Parliament.— Upon which the Members of the Houſe, who were of the King's Council, were ordered to acquaint his Majeſty with the Miſtake, and the Reaſon why the Thing was obſtructed. Debate upon him.

Then Admiral *Lawſon*'s Petition was read; and Sir *John Northcot* moved, That the Clerk ſhould ſearch the Book to ſee if any ſuch Order was made. Sir *Arnold Breames* juſtified the Fidelity of *Lawſon*; ſaid how long he had been acquainted with him, and what Diſcourſe he had, teſtifying his Loyalty in the Time of the Rump; and that the King might as ſafely truſt him as himſelf: That the Admiral would venture and engage for the King as much as any Man, if he might but have Liberty of Conſcience; and he heard him ſay, That if the Government of the Nation ſhould be in one Perſon, the King was the fitteſt Perſon for it; that tho' indeed it might be objected that he took the Oath of Abjuration, yet he was compelled to it; and tho' he came up to the Mouth of the River, and made ſuch a Declaration againſt the King, that was upon Compulſion alſo, and his Heart was right; as it could be teſtified by the Earl of *Bath* and Lord *Mordaunt*, who had the Information from himſelf. To this extraordinary Harangue Sir *William Wylde* replied, That he knew *Lawſon* to be ſo ſufficient a Traitor, that he deſerved no Reward, having abjured the Royal Family, and aſſiſted the Committee of Safety: That he deſired Liberty of Conſcience only as a better Pretence to rebel hereafter; and his *If*, at the King's Government, was a ſufficient Argument againſt him. Mr. *Prynne* ſaid, There was a Vote paſſed for him, but it was by the Rump, to the end he might ſerve, Point-blank, againſt the King; and moved the Houſe to let him have what he really did deſerve.

There was but one Member more, Mr. *Shaw*, that ſpoke in Sir *John Lawſon*'s Favour; and he only

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only ſaid that, when he was in Priſon, Sir *John* aſſiſted him. But Sir *William Lewis*, Serjeant *Glyn*, and Mr. *Holles*, calling out to go to the Buſineſs of the Day, this Matter was dropp'd; and the Poll Bill being read a third Time, was paſſed with ſome Amendments.

Col. *Birch* reported to the Houſe the State of the public Debts of the Kingdom, ſaying, there was yet to pay to the Fleet and Army 673,000 *l.* Col. *King* and Mr. *Knight*, who were of the ſame Committee, ſaid they knew nothing of this: But were reproved by Serjeant *Maynard*, who ſaid, They ought to ſuffer the Gentleman to go on with the Report; and when he had done, then to object againſt him, but not before. The Colonel then proceeded, and ſaid, That the Debts charged upon the Exchequer amounted to 529,000 *l.* and were all Debts before the King came in, as well as the Debts charged upon the Exciſe, which came to 319,000 *l.* Adjourned to the next Morning.

December 19. This Day the Commons took it into their Heads to grant Rewards to ſeveral Perſons who had done ſignal Services for the Royal Family, or ſuffered greatly for them in the late Troubles. On a Petition of Sir *Edward Maſſey*, once Col. *Maſſey*, the ill-fated Governor of *Glouceſter*, a Reward of 3000 *l.* was given him. Sir *William Lewis* moved for Capt. *Titus* to have 2000 *l.* beſtowed upon him, for his Fidelity and good Services, not for any Debt. This Motion being ſeconded by Sir *John Northcot*, the Houſe ordered him 3000 *l.* Sir *Edward Bowyer* moved for Major-General *Egerton*, which alſo was ſeconded by Sir *George Booth*; but nothing done in this Matter. Lord *Valentia* ſpoke for 1000 *l.* to be given to Major *Philips*, who was Major to *Langham*, which was alſo abortive, as was another Motion for Major *Aſhurſt*. Sir *Heneage Finch* moved to grant a Reward to Sir *Samuel Jones*, which ſet the Houſe into laughing. But the ſame Member moved again to lay all aſide, the Exciſe

Exciſe being already given to his Majeſty, it was not in their Power to grant any thing out of it. An. 12. Car. II. 1660. December.

A Lady comes next in Queſtion, to have a Reward, for her Courage and Conduct in the King's Eſcape after the Battle of *Worceſter*. This was the famous Mrs. *Lane*; but her Cauſe took more pleading for than any of the former, for tho' Sir *Clement Throckmorton* firſt moved for a Reward for her, and he was followed by Mr. *Swinfen*, Sir *John Bowyer*, who was for a Jewel of 500 *l.* Mr. *Goodricke*, Mr. *Ferrers*, Sir *Robert Brook*, and Sir *Edward Maſſey*, yet it met with much Oppoſition from others. Sir *Trevor Williams* took Occaſion to move for a Reward for Col. *Windham*'s Siſter, who, he ſaid, rode ſix Days with the King, whereas Mrs. *Lane* rode only two. Sir *Thomas Bludworth* was for leaving Mrs. *Lane* to the King for a Reward. Mr. *Boynton* ſaid, They were giving away as freely as if they had all that the Rump thought they had, which was ſo inconſiſtent with Monarchy, that he thought the Houſe wanted an Act of Indemnity to abſolve them; and moved to go to the Buſineſs of the Day. Sir *Harry Worſley* told the Houſe, They had no Power over the Purſes of the People, but only in giving to the King; and moved, That, rather than do ſo, every Member ſhould give her forty Shillings out of their own Purſes. Sir *Anthony Aſhley Cooper* was for going on with the public Buſineſs, and ſaid, He would never conſent to give any Money but to the King. Mr. *Hungerford* ſaid, By the many Gifts they were beſtowing, he thought the Houſe was making its Will, and moved rather to give the Money to the Poor at the Door. The Caſe of Mrs. *Jane Lane* debated.

On the other Hand, Mrs. *Lane*'s Advocates were Col. *Birch* and Mr. *Trevor*; which laſt moved for 1000 *l.* and was ſeconded by Sir *Richard Hopkins*. Sir *William Lewis* ſaid, That it would ſound very unhandſomely abroad, as this Affair had been debated ſo long, if it ſhould be now thrown out; and moved for Mrs. *Lane*. Sir *John Potts* ſaid, If the Motion had been made ſooner, it had not been ſo long debated; and therefore, conſidering the great

Peril

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Peril and Adventure ſhe run, and the Service ſhe did, he thought Mrs. *Lane* deſerved 500 *l.* Sir *John Maſham* was for putting the Queſtion firſt, Whether this Houſe have a Power to give Money to any but the King? However, Sir *Henry North* moving for 1000 *l.* that Queſtion was put, and carried in the Affirmative, without Diviſion. So it was reſolved, That, as a Mark of Reſpect to Mrs. *Lane*, and in Teſtimony of the high Reſentment and Value of her Service, in being ſo ſignally inſtrumental to the Preſervation and Security of the Perſon of his Royal Majeſty, there be conferred upon her the Sum of 1000 *l.* to buy her a Jewel; and that the ſame be charged on the Arrears of the Grand Exciſe, *&c.*

1000*l.* given her.

December 20. Inſtructions and Rules for diſcharging and paying off the Navy were read and agreed to.

The Poſt-Office Bill. Both the Univerſities excepted from paying for Letters.

A Bill for erecting and ſettling a General Letter-Office, by the King's Majeſty, was read a third Time. Dr. *Mills* offered a Proviſo to it, to except the Carriers of both Univerſities, that they might carry Letters as formerly, notwithſtanding the Bill. Mr. *Crouch*, Mr. *Bodurda*, and Dr. *Clayton*, ſpoke for it. Col. *Shapcot* and Sir *Anthony Irby*, againſt it. Serjeant *Glyn*, for the Proviſo, urging, how welcome a Carrier was to the Scholars; but ſaid the Bill ſeemed as if it was drawn by a Scholar, and moved to have a better. Serjeant *Maynard*, againſt this Proviſo, but for ſome other that might do the Turn; on which it was withdrawn for a Time. Some other Proviſoes of no Conſequence being offered and rejected, Dr. *Clayton* introduced a new one for the two Univerſities, putting *Oxford* before *Cambridge*; on which, ſays the Diary, a great Debate aroſe which ſhould be named firſt. Mr. *Swinfen* argued, That, if it was paſſed ſo, it would be thought there were more *Oxford* Men than *Cambridge* in the Houſe at this Time; that every Member in the Houſe was either of one, or both, or neither; and moved to have it ſaid, of both. Sir *George Reeves* was not for making a Variance between two Siſters,

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by making them quarrel, like Women, about Place. Sir *Thomas Meeres* ſaid, That, if the Proviſo paſs'd as it is, it would ſhew that *Oxford* Men could faſt better than *Cambridge*, becauſe, he obſerved, many of the others were gone to Dinner. Ordered, That it go for both the Univerſities, and that the Bill do paſs. An. 12. Car. II. 1660. December.

December 21. Mr. *Street* reported from the Committee what Recompence was to be given to the Officers of the Court of Wards, who would loſe their Places if the ſaid Bill be paſſed into a Law. He preſented a Liſt of the yearly Value of thoſe Offices, and of what the Committee thought an Equivalent for the ſame; which was read, and occaſioned the following Debate:

Debate about the Officers of the Court of Wards.

Lord *Valentia* was for laying this Bill aſide, for two Cauſes; becauſe they knew not yet whether the other Bill would paſs the King; and, *ſecondly*, they knew not on what Fund to charge the Money. Sir *Henry North* ſpoke for the Officers; Sir *Anthony Irby* and Mr. *Knightley*, againſt them. Sir *Edward Turner* was for commending them to the King, that, before the next Parliament, he may provide for them. Sir *George Downing*, to lay it aſide, and proceed upon the Bill for Fiſhery, or any elſe. Mr. *Chafe* was againſt taking away any Man's Office without a Recompence. Mr. *Prynne* moved, jeſtingly, that every Man then ſhould be recompenſed. Mr. *Knight*, to lay it aſide, and Sir *Allen Broderick*, to leave it to the King. Sir *John Northcot* ſaid, It ſhould be ſet down as a Debt; and moved, merrily, to leave it to the next Parliament. Mr. *Allen*, as merrily, to name Commiſſioners to examine their Loſſes againſt the next Parliament. Sir *Heneage Finch* was for leaving it to the King, or elſe to the next Parliament, with a proper Recommendation of the Caſe to them. Mr. *Thomas* ſpoke againſt any Recompence being allowed theſe Officers at all, becauſe, he ſaid, it was againſt Law to buy any Office, which they did. Col. *King* and Serjeant *Charlton* were for no Recompence till the Bill was paſſed,

and

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and then to leave them to the King. Sir *Thomas Wroth* told a Story of two Monks that conteſted with a King about buying an Office. He aſked a third Monk, that ſtood by, What he would give? Who anſwered, Nothing: Upon which the King gave him the Office. In like Manner, he ſaid, he was againſt any Recompence, becauſe theſe Officers bought their Places. Upon the whole the Queſtion being put, Whether the Officers of the Court of Wards, in caſe the Bill do paſs, be taken into Conſideration for a Recompence for their Places? It paſſed in the Negative.

Mr. *Holles* acquainted the Houſe, That he had juſt met the Lord-Chancellor, who told him the King had expected, ever ſince Yeſterday, to hear from the Houſe that their Buſineſs was ready, that he might diſſolve the Parliament: Therefore he moved, That this Day and To-morrow all might be diſpatched, ſo as they might have nothing to do on the next, but wait upon the King. But though the Houſe took great Pains to perfect Things, yet they exceeded Mr. *Holles*'s Calculation ſeveral Days.

The Bill for a Six-Months Aſſeſſment at 70,000*l.* a Month, was this Day read a third Time; on which Mr. *Thomas* moved, That *Scotland* might help to pay ſome of the public Debts, or pay off the Army there, they having heretofore received ſo much Money, he ſaid, from hence, and never yet contributed any thing to the public Debts of this Kingdom. Sir *John Northcot* ſeconded this Motion; or elſe not to aſſign any of the Money raiſed here for diſbanding the Army in *Scotland*, but pay our own Soldiers and Sailors. On theſe Motions a Proviſo was brought in, by Sir *Thomas Clarges*, for *Scotland*; but which, after ſome ſmall Debate more, was rejected.

An Accident happened this Day in the Houſe of Commons, which occaſioned ſome Merriment amongſt them. The Lords ſent down two Meſſengers with ſome Bills they had paſſed, with ſome Amendments; to which the Bearers ſaid, The Lords *humbly* deſired the Concurrence of that Houſe. When theſe were withdrawn, our Manuſcript Diary ſays,

ſays, a hearty Laughter enſued at the Word *humbly*, and ſome moved to have it ſo put down in the *Journals*, as a Precedent. An. 12. Car. II. 1660. December.

The Bill for raiſing 70,000 *l.* for one Month was ordered to be ingroſſed.

December 22. The Lords ſent down the Poſt-Office Bill with an Alteration, That the Letters of the Members of the Houſe of Commons ſhould not go free; to which that Houſe aſſented.

A Debate began about Licences for ſelling of Wine, for which a Bill had been brought into the Houſe, and ſeveral Proviſoes and Amendments were offered to it. Lord *Valentia* moved againſt all Mixtures of Wines, ſo as to vitiate them; on which it was ordered, that ſome ſhould withdraw immediately to pen a Clauſe for that Purpoſe. Sir *Henry Cholmley* moved, That they have alſo a Power to ſet a Rate upon Wines; which was oppoſed by Serjeant *Glyn* and Sir *Edward Turner*, in regard the Laws already made did provide for it. Sir *John Maſham* ſaid, Thoſe were not ſufficient, and moved for a certain Rate to be ſet on Wines. But the Houſe thought proper only to recommend it to the Committee on the Bill, to take the Laws, then in Being, into Conſideration, in order to have thoſe Statutes quickened that relate to the Prices of Wines. On a Motion of Mr. *Jones*, That a Clauſe be inſerted in the Bill, for enabling of the Owners of any Tavern to take Wine Licences, as well as any Vintner or Retaler of Wines: On the Queſtion, the Houſe divided into Yeas 116, Noes 86; ſo that Clauſe was ordered to be inſerted. On Wine Licences.

The Speaker delivered a Letter from the Queen of *Bohemia* to the Houſe, which was read, to return Thanks to them for the 10,000 *l.* they ſent her from hence, and to deſire the Continuance of their Reſpects to her.

Lord *Valentia* moved to conſider the Condition of the Queen for the future, and to refer it to a Committee to report what has been formerly done for her. Sir *John Northcot* was for laying it aſide, ha-

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ving now not Time to do it, and to leave it to the King. Sir *John Holland* ſpoke very earneſtly for the Queen, ſaying, That for theſe many Years ſhe had been fed and cloathed upon Charity; that ſhe was a moſt excellent Perſon, and a great Lover of the *Engliſh*, inſomuch that ſhe was called the Queen of Hearts. He therefore moved that the Houſe would own her Debts, which were very preſſing, in order to preſerve her from the Violence of the People. Sir *Henry North* for her alſo, in regard of her near Relation to the King, and her own great Worth; and moved to own her Debts, which, he ſaid, would be ſome Satisfaction to her Creditors. Capt. *Titus* ſaid, If it ſhould be objected that her Son, the *Palſgrave*, was reſtored to his own, it was not a Reaſon againſt her, becauſe he was no ſuch kind Son to her, nor civil Kinſman to his other Relations. Sir *George Downing* ſaid, The *Palſgrave* did allow her ſomething, but it was in Corn and Proviſion, which was very inconſiderable, conſidering the Charge that laid upon it; and moved to own the Debts. Sir *Edward Turner*, for her; ſaying, Beſides the Compaſſion there was a Duty to her from the Houſe, as the King's own Aunt. Mr. *Prynne* moved to conſider, firſt, what Debts the Houſe had already engaged for; and was rather for a public Benevolence for her. The Speaker was alſo one of her Advocates; but nothing of what he ſaid is noted in the Diary.

This Debate would very probably have ended much in Favour of this unhappy Queen, had not her old bad Fortune attended her ſtill, and promoted a Quarrel between two Colonels, but both Members, which had like to have involved the whole Houſe in the ſame.

Col. *Birch* ſaying, That he had reported this Affair of the Queen's to be a National Debt, amongſt the public ones, from the Committee appointed for that Purpoſe; and moving to have an Exciſe on all foreign Commodities to help to pay off all, Col. *King* anſwered, That he was againſt ſuch an Exciſe, and averred, that he, being of the ſame Committee, knew

knew nothing of this Motion of Col. *Birch*, but that there was a Deſign to bring in a foreign Exciſe by ſome. Col. *Birch* juſtified himſelf in what he had ſaid. Mr. *Boſcawen* ſpoke againſt him. Lord *Valentia*, for Col. *Birch*, ſaying, He had Orders to make the Report, and thoſe that found Fault with him ought to be check'd. Sir *William Lewis* very handſomely moved for a Compoſition of this Buſineſs, before it grew worſe. But a great Debate enſued concerning the Orders of the Houſe, upon the Lord *Valentia*'s taking down Col. *King* whilſt he was ſpeaking againſt Col. *Birch*, becauſe he had fallen upon ſome other Buſineſs, after he had ſpoken to the Order. Sir *Thomas Meeres* endeavoured to reaſſume the Queen's Buſineſs, and moved to own her Debts. But all would have been ineffectual, had not a Meſſage from the Lords, along with ſome Bills they had paſſed, opportunely made an Interruption; and it was not, as we can find, re-aſſumed during this Seſſion.[t] The whole that is ſaid of this Matter is comprehended in three Lines in the *Journals*.

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A Quarrel in the Houſe of Commons.

One of the Bills ſent down this Time from the Lords was the Bill of Aſſeſſments, with this Proviſo to be added to it, 'That nothing therein contained 'ſhould be drawn into Example, to the Prejudice 'of the antient Rights belonging to the Peers of 'this Realm;' which Proviſo, on the Queſtion, was agreed to. To another Amendment, made in the ſame Bill, about paying the Arrears of the Navy, a ſhort Debate aroſe. Sir *William D'Oyley* ſaid, That the Money to be raiſed by this Tax would not pay off the public Debts; for the Debt of the Army yet was 115,000 *l.* and that of the Navy, 388,000; ſo it was agreed to adhere to their former Vote, and reject the Lords Amendment.

Sir *Heneage Finch* reported, from the Committee, the Proviſo for better preventing the vitiating of Wines, which was on Penalty, for the Merchant, 100 *l.* the Retailer, 40 *l.* Mr. *Chaſe* moved againſt putting Lime into Wine, ſeconded by Sir *John Frederick*;

[t] It is probable the Queen gained her Point ſome little Time after, for we find her put down for two Ten Thouſand Pounds given by this Parliament, and charged on the Exciſe [illegible]

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derick; which was agreed to, and ordered the Bill to be ingroſſed. Mr. *Bodurda* moved againſt Milk too; but Sir *John* ſaid, That a Pottle of Milk, or ſuch like Quantity, did more Good than Harm to Wines.

It has been mentioned before that both Houſes had agreed to ſit Morning and Afternoon, for the ſpeedier Diſpatch of Buſineſs, before their Diſſolution; ſo, on the Afternoon of this Day, amongſt other Matters, the Debate on the Bill for an Exciſe was re-aſſumed, and, our Diary ſays, much was ſaid, Whether the Merchants and Brewers ſhould take an Oath of their full Payments of the Duty, or the Accountants and Commiſſioners only? Ordered for the Accountants.

Several free Conferences were, at this Time, held between the two Houſes, about Proviſoes and Amendments to Bills, not worth Notice; and this Day another was deſired by the Lords about a Meſſage from the King; which, at their Meeting, the Lord-Chancellor reported, That he had delivered the King's Meſſage to the Commons, which ran in theſe Words, *viz.*

A Meſſage from the King.

'HIS Majeſty hath expected, ever ſince *Thurſday* Morning, to be informed, that his two 'Houſes of Parliament had been ready to preſent 'ſuch Bills to him as they had prepared for his Royal 'Aſſent, and hath continued ever ſince in the ſame 'Expectation, and hoped that he might, this Day, 'have finiſhed the Work, and diſſolved them ac-'cording to his Signification; but being informed 'that there are yet depending in both Houſes ſome 'few Bills of great Importance to his and the Pub-'lic Service, which are not yet ready to be preſent-'ed to him; and being deſirous to part with his 'two Houſes of Parliament, who have deſerved ſo 'well of him, in ſuch a Manner, that they may not 'be obliged to uſe more Expedition in the Diſpatch, 'than is agreeable to the Affairs which are to be 'diſpatched, his Majeſty is graciouſly pleaſed to 'declare, That he will be ready to paſs ſuch Bills 'as are neceſſary, in Point of Time, to be paſſed, on 'Monday Morning; and then that the Houſes ad-

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'journ till *Thurſday* Morning, ſo that they may have that Day and *Friday* to put an End to thoſe moſt public Bills which are not yet finiſhed; and his Majeſty will on the next Day, being *Saturday* the 29th of this Month, be preſent with them, and diſſolve the Parliament; and his Majeſty deſires both Houſes, againſt that Time, to lay aſide all Buſineſs of private Concernment to finiſh all public Bills.'

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Dec. 24. A very long Debate happened in the Houſe of Commons this Day, on a Bill ſent down by the Lords, intituled, *An Act for the ſettling of all the Manors and Lands of the Earl of* Cleveland *in Truſtees, to be ſold for the ſatisfying the Debts of the ſaid Earl, and of* Thomas *Lord* Wentworth *his Son.* Our Diary gives this Debate at full; but as it was only on a private Affair, we think it not proper to trouble the Reader with it.

In the Midſt of this long Debate, they were interrupted again by a Meſſage from the King, commanding the Speaker and the whole Houſe to attend him in the Houſe of Lords: On which they all went up; when the Speaker, as the Diary ſays, preſented his Majeſty, in a handſome Speech, with the Bill for taking away the Court of Wards and Purveyance; to which the King gave his Conſent: Likewiſe the Bill for ſettling the Moiety of the Exciſe on Ale, Beer, and other Liquors, for Increaſe of his Majeſty's Revenue during Life. For which the King, in very few Words, gave Thanks at preſent; but ſaid he would enlarge himſelf on *Saturday* following, the Day appointed for diſſolving the Parliament.

The King comes to the Houſe to paſs ſome Bills that were ready.

At their Return to their own Houſe, Sir *Heneage Finch* moved to adjourn to *Thurſday* the 27th, in regard the Lords did ſo; and ſaid, That To-morrow was not a * . Col. *Shapcot* for only till *Wedneſday*; and was ſeconded in it by Col. *King*. Mr. *Pierepoint* deſired that the King's laſt Letter might

* A Word obliterated in the original Manuſcript; but as the Day was *Chriſtmas-Day*, we ſuppoſe it ſomething relative to that Feſtival.

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might not be entered in the *Journals*, leſt it ſhould be thought the Houſe adjourned ſolely upon that Meſſage, which might be conſtrued a Breach of Privilege (tho' he himſelf did wholly ſubmit and comply with the King's Deſire); for, he ſaid, That the King could not adjourn the Houſe, tho' he could diſſolve it; but that the Houſe muſt adjourn, as an Act only of itſelf. This was the Reaſon the Letter was not entered as uſual.

Dec. 27. A Bill for Encouragement of the Fiſhing Trade of this Nation was read a third Time; in this there had been a Clauſe inſerted, That no Perſon ſhould eat Fleſh on a *Wednesday*. Sir *Samuel Jones* offered a Proviſo to it, That all Travellers on the Road might have Liberty to have Fleſh dreſſed, at their Inns, notwithſtanding this Act. Sir *Robert Brooke* againſt it. Sir *William D'Oyley* ſaid, jeſtingly, That it was fit Sir *Samuel Jones* and his Family ſhould be excepted out of the Bill for his Motion; the Bill paſſed without the Proviſo.

The Bill for granting Wine Licences was, this Day, read a third Time, when another great Debate happened upon it.

Debate upon the Bill for Wines. The Prices of them aſſigned.

Sir *Thomas Clarges* moved, That the Lord Chancellor and Treaſurer, according to the Statute of *Henry* VIII. ſhould ſettle the Prices on Wines; he delivered in a Proviſo, particularly on *Sack*, *Muſcadel*, *Alicant*, and all *Spaniſh* Sweet Wines, to be ſold, by Retale, for no more than Eighteen-pence a Quart; and that no *Gaſcoign* or *French* Wines whatſoever ſhould be ſold for above Eight-pence the Quart, and no *Rheniſh* Wine for above Twelve-pence, under the Penalty of five Pounds Forfeiture, &c. Sir *John Glyn*, againſt this Proviſo, ſaid, That it was not practicable nor poſſible to effect it, by reaſon ſome Regard muſt be had to the Merchant's Price; he was for laying the Proviſo aſide, becauſe the preſent Laws do already provide for the Purpoſe. Mr. *Bodurda* ſaid, That this Proviſo would not do the Work, becauſe there muſt be Allowance made for the Carriage of Wines by Land, which muſt make

make it dearer. Mr. *Allen* and Sir *William Wylde* ſpoke for the Proviſo; Capt. *Titus* againſt it, urging, That it could not be effected, unleſs they could command the Vintages abroad. Mr. *Holles* and Sir *Heneage Finch* were for doing ſomething in the Affair; and if the Lords, before-mentioned, could not be at Leiſure, ſome Way elſe might be thought on.

Here the Houſe were interrupted in their Debate by a Meſſage from the Lords, of no great Conſequence, which, when it was diſpatched, the Proviſo, as before, was again read, and the Debate re-aſſum'd.

Sir *Anthony Aſhley Cooper* ſaid, He doubted much whether any Good would be had by this Proviſo. Sir *Thomas Bludworth* was for altering the Time of the Lords meeting to ſet the Prices, and thought it might be better to do it before the Merchant make his Market. Sir *William Lewis*, for the Proviſo. Mr. *Knight*, the ſame, and was both for the Proviſo and the Time; ſaying, If they ſet a Price ſooner, they prevented the Merchant from going to Market, when he knows what he muſt pay before-hand. Serjeant *Glyn* ſpoke againſt the Proviſo, ſaying, That the Laws did already provide for it; that the Price was ſet too low, for he knew that People gave Sixteenpence a Quart for *Rheniſh* Wine upon the Place. Lord *Valentia* was for laying the Proviſo aſide, Becauſe, he ſaid, they included both the Merchant and Vintner, without hearing them; that the Lords, indeed, ought to ſet the Rates, but if they did not, would the Houſe puniſh the Merchant for the Faults of the Lords? Which he hoped he ſhould never ſee in that Houſe: Beſides, he added, this Proviſo would derogate from the Cuſtoms. Mr. *Prynne* was for having it altered, and Prices to be fixed by the firſt of *June* next. Serjeant *Charlton* ſaid, The Proviſo was conſiſtent with the King's Intereſt, and the Benefit of the Subject; but that it ſhould look to the next Vintage, not to that which was paſt. Serjeant *Maynard* ſaid, Prices may be put upon any Kind of Meat, or Drink, by Law; that the Lords would not ſet the Prices by hearing Parties; and

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moved to limit the Time to *September* next. Sir *Anthony Irby*, againſt the Proviſo, ſaying, That Eight-pence and Eighteen-pence, was a great Price for Wines, and that the *Spaniards* and *French* would take Advantage on us, when they know ſuch Prices are given here. Sir *Heneage Finch*, for the Proviſo, urging, That the Vintages abroad muſt ſell rather than we buy. Col. *Birch*, on the ſame Side, ſaid, That the lower the Prices of Wines were, the greater Advantage it would be to the Cuſtoms. Mr. *Boſcawen* ſpoke only for Sixteen-pence on *Sack*. To conclude this tedious Affair, Sir *Thomas Clarges* told the Houſe, That, before the Proviſo was drawn up, an eminent Merchant was conſulted, who did caſt up all the Loſſes by Wine, as Leakage, *&c.* and ſaid, That by theſe Prices, ſo ſet, the Vintner would get the Third Penny. On which the Houſe not only took in the Proviſo, but paſſed the Bill.

The Houſe ſat this Afternoon, but did nothing, ſave ſettling particular Sums of Money on the Chaplain, Serjeant, and other Officers, attending on them during the Seſſion. They alſo ordered fifty Pounds to be given to Mr. *John Ogilby*, for a Preſent he had made the Houſe of his Bible, juſt then printed.

In this Giving Humour the Houſe ordered 10,000*l.* for the Service of the Duke of *York*, at the enſuing Coronation, and the like Sum for the Uſe of the Queen of *Bohemia*. All which ſeveral Sums they charged on the Arrears of the Exciſe; which Bill they alſo paſſed this Day, and ſent it up to the Lords, with this Order, That the Clerk do prepare, and bring in To-morrow Morning, a Liſt of all the Sums charged on the Exciſe, by Orders of the preſent Parliament.

There are four Petitions, entered in the *Lords Journals*, from four great Peers, to the King, each laying Claim to the Office of Lord Great-Chamberlain of *England*, and the Earldom of *Oxford*. They were all referred by the King and read in that Houſe; but as the Time of their Diſſolution was ſo very nigh, the Lords would not enter into their Merits, but left them to be decided by the next Parliament. However,

ever, ſome Things appearing very curious in the Pedigrees of theſe Noblemen, in their Petitions, we ſhall give them, at Length, from the above Authority. An. 12. Car. II. 1660. December.

To the KING's *Moſt Excellent Majeſty,*

The HUMBLE PETITION *of* AWBERY DE VERE, *Earl of* OXFORD,

Sheweth,

The Petition of *Aubery de Vere*, Earl of *Oxford*, to the King.

'THAT your Petitioner is lawfully intitled to the Office and Place of Great-Chamberlain of *England*, with all the Rights and Privileges thereunto belonging.

'That in or about the firſt Year of the Reign of your Royal Father, a Petition was exhibited to his Majeſty againſt your Petitioner's Father, by the Father of the Earl of *Lindſey* that now is.

'In which Petition the Earl of *Lindſey*'s Father claimed both the Earldom of *Oxford* and the Office of Great-Chamberlain of *England*, and the Matter of that Petition was referred by your Majeſty's Royal Father, to the Peers then ſitting in Parliament, to the End that they, by the Advice of the Judges aſſiſtant, might certify their Opinions to his Majeſty.

'That upon the Reference, the Right of your Petitioner's Father to the Earldom was certified to be clear, and that without one diſſenting Voice.

'But, as to his Right to the Office of Great-Chamberlain, there was an equal Difference of Opinions; for ſome Time the Lord Chief Baron *Walter*, and the Lord Chief Juſtice *Crewe*, being fully ſatisfied that the Right was in your Petitioner's Father, though Juſtice *Doddridge* and Juſtice *Yelverton* were of another Mind, untill at laſt, by the Caſting Voice of Baron *Trevor*, who came in at the End of the Debate, as your Petitioner hath been informed, the Opinions were three againſt two, and thereupon their Lordſhips were induced to adviſe his late Majeſty to confer the ſaid Office on the Earl of *Lindſey*. Ever ſince which Time the Office of Great-Chamberlain hath been held

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'by the ſaid Earl of *Lindſey*, and his Son *Montagu* 'Earl of *Lindſey*, who claimeth it as his Inheri-'tance.

'Now foraſmuch as the Right of your Petitioner 'ſtands prejudiced by that ſingle Opinion only, and 'that the Weight of this Caſe may well deſerve a 'more full and clear Determination, your Petition-'er humbly prayeth, That your Majeſty would be 'graciouſly pleaſed to appoint the Caſe, concerning 'the ſaid Office of Great-Chamberlain of *England*, 'to be heard by the Peers now ſitting in Parliament; 'and that they, with the Aſſiſtance of the Judges, 'may re-examine your Petitioner's Title to the ſaid 'Office. That ſo, your Majeſty being fully inform'd, 'Right may be done to your Petitioner in the Pre-'miſes; and that the ſaid *Montagu*, now Earl of '*Lindſey*, may ſhew what Right and Title he hath 'unto the ſaid Office and Chamberlainſhip, and 'make Anſwer to the Premiſes.

And your Petitioner ſhall ever pray for your Maje-ſty's long and happy Reign.

OXFORD.

At the Court at *Whitehall*, *December* 26, 1660.

HIS Majeſty is graciouſly pleaſed to refer this Petition to the Peers ſitting in Parliament, to hear the Petitioner and the Earl of Lindſey, *concerning the Office of Lord Great Chamberlain, and to do therein according to Juſtice and Honour.*

EDWARD NICHOLAS.

The ſame Order was annexed to the three following Petitions.

To the KING's *Moſt Excellent Majeſty,*

The HUMBLE PETITION *of* THOMAS WINDSOR, *Lord* WINDSOR,

Sheweth,

Of Thomas Lord Windsor.

'THAT *John*, the ſixth Earl of *Oxford* of that 'Name, Lord *Bulbeck*, *Sandford*, and *Badleſmeer*, 'deceaſed, was ſeized of the Office of Great-Cham-'berlain of *England*, with the Rights and Privileges 'there-

'thereunto belonging, of Fee and Right. And the said late Earl being so seized thereof, died seized, about the 4th of Queen *Elizabeth*, leaving Issue *Catherine*, his only Daughter and Heir, by *Dorothy*, Daughter of the Earl of *Westmoreland*, his only lawful Wife, who was married to *Edward* Lord *Windsor*, Great Grandfather of your Petitioner, to whom the Petitioner is the undoubted Heir, whereby the said Office doth belong of Right to your Petitioner. An. 12. Car. II. 1660. December.

'Yet now, so it may please your Most Sacred Majesty, that *Montagu* Earl of *Lindsey* hath possessed himself of the said Office, to the apparent Wrong of your Petitioner.

'The Petitioner therefore humbly prays, That your Majesty will be graciously pleased to refer the Hearing and Determination of the Petitioner's said Title, to the Right Honourable the Peers assembled in Parliament, with the Assistance and Advice of the Reverend Judges; and that the said *Montagu* Earl of *Lindsey* may be summoned by their Lordships to answer the Premises; and that the said Office may be declared, as of Right it doth belong, to your Petitioner and his Heirs; and that the said *Montagu* Earl of *Lindsey* may be suspended from the Execution thereof, and your Petitioner admitted thereunto,

And your Petitioner, as in Duty bound, shall daily pray, &c.

THO. WINDSOR.

To the KING's *Most Excellent Majesty*,

The HUMBLE PETITION *of* CHARLES STANLEY, *Earl of* DERBY.

Humbly sheweth,

'THAT *Edward Vere*, late Earl of *Oxford*, and Lord High-Chamberlain of *England*, had Issue only one Son, *Henry*, and three Daughters, *viz. Elizabeth*, *Bridget*, and *Susan*, and died *An. Dom.* 1604; after whose Death his Son was Earl of *Oxford*, and Lord High-Chamberlain, and 'died An. Earl of *Charles* Earl of *Derby*, to the same.

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'died ſome Years ago without Iſſue; by and ſince
'whoſe Death the ſaid Office of Lord High-Cham-
'berlain ought to deſcend and come unto your Pe-
'titioner, he being Grandſon and Heir of *Elizabeth*,
'the eldeſt Siſter of the ſaid *Henry*: And therefore
'your Petitioner humbly prayeth, That your Ma-
'jeſty would vouchſafe to direct that he may enjoy
'the ſaid Office accordingly,

And your Petitioner will ever pray, &c.

DERBY.

To the KING's *Moſt Excellent Majeſty*,

The HUMBLE PETITION *of* MONTAGU BERTIE, *Earl of* LINDSEY, *Lord Great-Chamberlain of* England,

Sheweth,

The Earl of *Lindſey*'s Petition to the King.

'THAT upon the reſpective Claims of *Robert*
'Lord *Willoughby* of *Ereſby*, (afterwards Earl
'of *Lindſey*) the Petitioner's Father, and of *Robert*
'*de Vere*, Eſq; to the Office of Great-Chamberlain
'of *England*, and to the Title and Dignity of the
'Earldom of *Oxford*, your Majeſty's late Father,
'of ever bleſſed Memory, was graciouſly pleaſed, in
'or about the 5th Year of his Reign, to refer the
'Conſideration of their ſeveral Pretences to the ſaid
'Office and Earldom of *Oxford*, to the Houſe of
'Peers then ſitting in Parliament; who, upon Ad-
'vice with the Reverend Judges, did then certify
'his late Majeſty, That the Office of Great-Cham-
'berlain did appertain to the Petitioner's Father
'and his Heirs; and in regard your Petitioner's
'Father was not then fully acquainted with ſuch
'Records and Proofs (which, if ſhewn, might have
'manifeſted to their Lordſhips his Right to the ſaid
'Earldom of *Oxford*, and which the Petitioner is
'now ready to produce) the ſaid Peers did alſo cer-
'tify the ſaid Earldom did belong to the ſaid *Robert*
'*de Vere*: by Virtue whereof Sir *Aubery de Vere*,
'Knight of the Moſt Noble Order of the Garter,
'Son of the ſaid *Robert*, doth now claim and enjoy
'the

'the said Earldom of *Oxford*, to the great Wrong of your Suppliant. An. 12. Car. II. 1660. December.

'May it therefore please your Sacred Majesty to 'be graciously pleased to refer the Re-hearing of the 'Petitioner's Right to the said Earldom of *Oxford*, 'to the Most Noble Peers now assembled in Parlia- 'ment, that if it shall appear to them just to re-ex- 'amine the former Proceedings, they may proceed 'therein in such Manner as to their Lordships shall 'seem to stand with Honour and Justice, and to 'certify your Majesty their Opinions thereupon: 'And that the said Sir *Awbery de Vere* may be sum- 'moned to answer the Premises, and that he may 'shew what Right and Title he hath to the Earl- 'dom of *Oxford*.

And your Petitioner shall ever pray for your Majesty's long and happy Reign.' LINDSEY.

December 28. Sir *Thomas Bludworth* reported the Bill for a Two-Months Tax on the City of *London*, for raising 35,000 *l.* for Trophies, *&c.* Lord *Falkland*, Col. *Shapcot*, and Mr. *Young* spoke against this Bill, urging the Backwardness of the City for lending Money. Sir *Thomas Bludworth* and Capt. *Titus* justified the City. The Question being put, Whether the Bill should be committed, the House divided into Yeas 92, Noes 104. The next Debate was for engrossing the Bill; which was ordered without a Division.

A Bill for one Month's Assessment, for raising 70,000 *l.* for a further Supply to his Majesty, and to enable him the better to defray the Expences of his Coronation, was read a third Time and passed.

The Lords sent down to the Commons the Bill for a Review of the Poll Bill, with Amendments; to some of which they agreed, but to others adhered; on which a Conference was held between them; the Result of which will appear in the Proceedings of the next Day.

A

[t] The Office of Lord Great-Chamberlain of *England* was adjudged to belong to the *Bertie* Family, and that of the Earldom of *Oxford* to the *Veres*.

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A Letter from the Commiſſioners of Exciſe to the Clerk of the Houſe was read, containing an Account of what Monies had been charged upon the Exciſe by Parliament, *viz.*

An Account of what Donations of Parliament were charged on the Exciſe.

	l.	*s.*	*d.*
To his Highneſs the Duke of *York*, or his Aſſigns, in full of 10,000*l.* together with Intereſt	2157	2	11
To the Executors of his late Highneſs *Henry* Duke of *Glouceſter*, together with Intereſt	7000	0	0
To * *Denham*, Eſq; his Majeſty's Surveyor, together with Intereſt; which Sum was advanced by Alderman *Ed. Backwell*	5000	0	0
To the Executors of her late Highneſs the Princeſs Royal, together with Intereſt, being advanced by Alderman *Ed. Backwell*	10000	0	0
To the Queen of *Bohemia*, together with Intereſt, being advanced by Alderman *Ed. Backwell*	10000	0	0
To her Highneſs the Princeſs *Henrietta Maria*, with Intereſt	10000	0	0
To Sir *Thomas Viner*, for the diſtreſſed Proteſtants of *Piedmont* and *Poland*, the Remainder of 7978*l.* 8*s.* 9*d.* the Sum of	5978	8	9
To *Henry Pecke*, Eſq; ——	3443	12	5½
To Sir *Thomas Dacres*, Knt. —	250	0	0
To Col. *Anthony Buller* ——	3436	16	10
To *Rowland Langhorne*, Eſq; —	3000	0	0
To *Tho. Lodington*, being advanced by Ald. *Ed. Backwell*	3450	0	0
To *Henry Symbell* — ——	1387	18	10
To *William Allott* and *Robert Swayle*, by Bills of Exchange drawn by Sir *Robert Honeywood*, together with Intereſt	2200	0	0
To Col. *John Strettor* and *John Macocke*, Printers	528	13	3
To *Francis Windham*, Eſq; —	1000	0	0

To

	l.	*s.*	*d.*	An. 12. Car. II. 1660. December.
To Mr. *William Ashby*, Treasurer for the Hospitals of the *Savoy* and *Ely-House*	1400	0	0	
To Mrs. *Dorothy Seymour* ——	3571	0	0	
To Sir *Edward Massey*, Knt. —	3000	0	0	
To *Sylas Titus*, Esq; ——	3000	0	0	
To Mrs. *Jane Lane* —— —	1000	0	0	
To his Highness the Duke of *York*	10000	0	0	
To the Queen of *Bohemia* ——	10000	0	0	
To *Denzil Holles*, Esq; Sir *William Lewis*, Knt. and *Thomas Povey*, Esq; or their Assigns, for the Use of the Children of *Henry Elsing*, Esq; deceased[1]	500	0	0	
To Col. *Edw. Harley*, Governor of *Dunkirk*, the Remainder of 8400*l.* for the Use of that Garrison	7200	0	0	

To the several Persons to whom any Sums of Money shall appear to be due, for the Quartering, Cure, and Attendance of sick and wounded Seamen and Soldiers, sent from aboard his Majesty's Ships, or from his Majesty's Garrisons in *Flanders*, to *Dover*, *Harwich*, or other Port-Towns of this Kingdom, such several and respective Sums as shall be stated and certified by the Auditors to whom the stating of Accounts of that Nature is referred, to have incurred and become due from and after the 1st of *June*, 1658, and to or before the 14th of *March*, 1658.

'Resolved, That the Sums, mentioned in the said List, be charged on the Arrears of Excise, in Course, and inserted into the Bill for levying the said Arrears.'

December 29. The Lord *Valentia* reported the Effect of a Conference, had the Night before with the Lords, upon their Amendments to the Bill for supplying the Defects of the Poll Bill.

'That their Lordships delivered their former Proviso, with some Alteration; being, with the Alteration, as followeth:

Pro-

[1] See Vol. XVIII. p. 495, Note [a].

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'Provided always, and be it enacted, That this 'Act, or any thing therein contained, ſhall not extend to any Peer of this Realm, in point of Aſſeſſment, Impriſonment, Diſtreſs, or otherwiſe; Proviſion being made, in the ſaid firſt recited Act, for the 'aſſeſſing of the ſaid Peers, by certain Peers who are 'therein named and appointed in that Behalf. And 'be it further enacted, That the Lord Chancellor, 'Lord-Treaſurer, the Lord-Steward of his Majeſty's Houſhold, Lord-Chamberlain of his Majeſty's 'Houſhold, the Earl of *Northampton*, Lord *Howard* 'of *Charlton*, the Lord *Roberts*, the Lord *Grey* of '*Warke*, the Lord *Craven*, the Lord *Mohun*, and 'the Lord *Hatton*, be added to the Peers named in 'the ſaid firſt recited Act for the aſſeſſing of the 'Peers, according to the ſaid recited Act.'

'And ſo theſe Words were ſtruck out by the Lords from the Proviſo, as it firſt came down, *viz.*

* * * * * * * [g]

'The Committee inſiſting upon it, that there was no Obligation on the Lords Commiſſioners for the Peers to aſſeſs the Peers, they returned into their Houſe; and, after, delivered an Addition to the ſaid Proviſo, in Paper, as followeth:

'Which ſaid Lords Commiſſioners, or any five of 'them, in this and the former Act named, ſhall 'have Power to aſſeſs, levy, and collect, all ſuch 'Sums of Money as ſhall be aſſeſſed, according to 'the Tenor of this and the former Act, upon ſuch 'Peers who have not paid proportionably to their 'Eſtates.'

'So, with that Addition, they adhered as formerly; expreſſing themſelves ſorry, that there having been hitherto ſo good a Correſpondence betwixt the Houſes, they ſhould be now ſuſpected in this Houſe; taking Notice, that, in the late Times of Miſery, they ſuffered as much as any, and hope nothing ſhall be done to the Prejudice of their Privileges, adding, that they hope they ſhall be ready to ſtrain themſelves as far as this Houſe.'

After this Report a great Debate enſued.

Mr.

[g] *Sic in Orig.*

Mr. *Boſcawen* produced a Book, where, in the Beginning of the Long Parliament, this Propoſal of the Lords was refuſed, as being againſt all Order; for none but the Commons can impoſe a Tax for Money. He was ſeconded by Mr. *Young*, who affirmed, That, by the laſt Poll Bill, the Lords were aſſeſſed by the ordinary Commiſſioners. Lord *Valentia* ſaid, Divers Lords had not yet paid; but, thro' the Straitneſs of Time, he thought it beſt to agree with them. Sir *John Glyn* told the Houſe, They could not juſtify the taxing the Commons, and taking no Care that the Lords ſhould pay too; tho' he was not much averſe, and would agree with them rather than hinder the Bill. Sir *Heneage Finch* ſaid, That the gaining their Point on the Lords by adhering, would not counterpoiſe the Loſs of the Bill, which muſt inevitably follow; that they might very well take the Lords Words, for this Time, that they will pay; beſides, the Diſpleaſure and Loſs which, in the End, would redound to the King. He therefore moved to agree, becauſe the Advantage by the Bill would be 150,000 *l.* and the Money to be raiſed would not be above 7000 *l.* Sir *Edward Turner* ſaid, It was not a Time to diſpute then; but moved to agree. Mr. *Prynne*, That the Lords had paid for ſeveral Years, by the Aſſeſſment of the Commons; but moved to agree for that Time, and leave the Diſpute to another Parliament. Mr. *Bamfield*, not to agree, the Deſire of the Lords being ſo unreaſonable; that there were thirty-ſix Lords who had not paid to the Tax, and therefore he was for adhering, ſaying, The Lords did it out of Incogitancy, uſing that Word ſeveral Times, ſays the Manuſcript; and to which Sir *Francis Cornwallis*, Treaſurer of the Houſhold, anſwered, That if they did not agree, they would be *incogitant* of the King. At laſt it was agreed to allow the Proviſo and the other Amendments to the Bill.

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Debate on the Lords Privilege to tax themſelves.

The Peers ſeem to be very tenacious and jealous of their Privileges, by another Inſtance which happened this Day. They ſent down a Bill to the Commons,

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mons, for raiſing 70,000 *l.* for the King's Uſe, with the following Proviſo tack'd to it, *viz.*

'Provided always, That this Act, nor any thing 'therein contained, ſhall be drawn into Example, 'to the Prejudice of the antient Rights belonging 'to the Peers of this Realm.' Which, upon the Queſtion, was alſo agreed to.

The Bill for Wine Licences paſſed both Houſes.

Mr. *Stevens* moved to re-aſſume the Debate on Yeſterday about the Arrears of the Exciſe. Sir *Heneage Finch*, againſt it, ſaying, It was the King's Money, and he ſaw no Reaſon why his Majeſty ſhould paſs ſuch a Bill extemporary, and without conſidering of it firſt; therefore moved to let it alone.

Sir *William Lewis* moved for the poor Captives at *Algiers*. Sir *John Maſham*, to expiate the Houſe from the Guilt of Sacrilege; he ſaid, The Hangings of the Houſe were taken out of the Church of St. *Paul*'s; and moved rather to ſit with bare Walls than to adorn themſelves with the Spoils of Churches, which he would have reſtored. Lord *Valentia* ſaid, in Reply, That divers had been *hang'd* already for it; and moved to go on with other Buſineſs, particularly to charge the City Money alſo on the Arrears of the Exciſe.

Several other Motions were made of no great Account, as particularly one concerning the Payment of ſome Arrears due to Col. *Lockhart*, when Governor of *Dunkirk*.

Mr. *Knight*, againſt it. Sir *Thomas Clarges*, for it. Sir *Robert Harley* ſaid, That *Lockhart* did not deſerve any Conſideration, for he kept a Troop of Horſe to ſurprize the King with, and was an active Man for *Oliver*: And added, That if the Houſe had Time to examine the Buſineſs, he would be found in Debt. Captain *Titus* ſaid, There was not a verier Villain upon Earth than *Lockhart*; that he reported a Lye againſt the King, by ſaying he was turned Papiſt; and wiſhed, with all his Heart, the Act of Oblivion had not acquitted him from his juſt Deſert; that he was not true to thoſe very Villains he had ſerved, and he thought him now a ſecret Plotter, as Sir *Robert*

Robert Harley had obſerved; and moved to give him nothing; which the Houſe agreed to. An. 12. Car. II. 1660. December.

Several more Motions were made in the Houſe of Commons this Day, for Money to be paid to different Perſons, for Debts, Charities, &c. ſome of which were taken and others rejected, as may be ſeen in the *Journals*, but are unneceſſary here; till at laſt, the Time of the King's coming to the Houſe of Lords drawing near, Mr. *Palmer* moved to ſend to the Lords to acquaint them, That the Painted-Chamber and Court of Requeſts were ſo full of Strangers, that it was impoſſible for the Houſe to come up to the King; upon which the Serjeant was ſent away with the Meſſage.

After this the Commons re-aſſumed, once more, the Bill on the Arrears of Exciſe, and had proceeded in the Debate ſo far as to order the Blanks in the Bill to be filled up; when the Uſher of the Black Rod came to the Door, and the Houſe being informed of it, the Speaker, with the reſt of the Members, being come into the Houſe of Peers, and his Majeſty ſeating himſelf on the Throne, the Speaker addreſſed himſelf to him as follows: The King comes to the Houſe of Lords to diſſolve the Parliament.

Moſt Gracious and Dread Sovereign,

'THE Knights, Citizens, and Burgeſſes, now aſſembled in Parliament, being the Repreſentative Body of your Commons of *England*, are, as Conduit-Pipes, or Quills, to convey the Streams of your People's dutiful Affections and humble Deſires into your Royal Preſence; and that being done, they need no other Speaker but yourſelf, for they know your Skill, and have had Experience of your Will: And yet, Royal Sir, though they have no Cauſe to complain, they cannot but take Notice of your Partiality; for when any Thing in Point of Right, or but Conveniency, hath fallen out to be, as we uſe to ſay, a Meaſuring Caſt, a diſputable Caſe, between yourſelf and your People, without any Regard or Reſpect had to your own Right, or the Advantage that might accrue to yourſelf by aſſerting the ſame, if the Good of your People hath come in The Speaker of the Houſe of Commons' Speech to him.

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Competition with it, you have always caſt it againſt yourſelf, and given it on your People's Side.

'Royal Sir, Thus to undo yourſelf to do your People Good, is not to do as you would be done unto; and can we do leſs than, by a grateful Retribution, chearfully to pay your Majeſty the juſt Tribute of our dutiful Obedience unto all your Royal Commands; and, upon all Occaſions, ready to ſacrifice, *ſe et ſua*, all that we have or enjoy, Lives and Fortunes, in the Service of ſuch an incomparable Sovereign?

'But, Royal Sir, it becomes me to fill your Majeſty's Ears with *Aire loquere ut te videam*[a], as the only Rhetoric the People ought to uſe to ſuch a King of Kindneſs, and a Prince ſo full of good Works; and therefore, as I am commanded, I muſt humbly aſſure your Majeſty that the many healing Expedients propounded by yourſelf, in your ſeveral moſt gracious Declarations, have been the Subject-Matter upon which your Commons have wrought all this Parliament: And, in the firſt Place, they took into Conſideration the great and growing Charges which then lay upon your People for the Pay of your Army and Navy; and they conceived it neceſſary to begin with that Part thereof next at Hand, wherein your People would receive the moſt Eaſe and the greateſt Security and Satisfaction, which was the diſbanding your Majeſty's Forces by Land, and the paying off twenty-five of your Ships then in the Harbour, and of no Uſe; and this led them to the Conſideration of ſuch Ways and Means as were to be uſed to raiſe Money for that Purpoſe; and that for Poll Money being propounded and paſſed, ſome were of Opinion that That alone would have over-done the Work, others having had Experience of a former Bill of the ſame Nature, and upon the like Occaſion, fearing it might not anſwer Expectation, and being unwilling to be deceived the ſecond Time, eſpecially in ſuch a Buſineſs as this, wherein a Miſtake was like to prove ſo penal, moved for a further Supply (which, after

[a] So in our Copy of the *Lords Journals*; but what to make of the firſt Word, or how to correct it, we know not.

after ſome Debate, was agreed upon) of a Two-Months Aſſeſſment, at 70,000 *l. per* Month; and both have not yet fully done the Work for which they were deſigned; but with the Help of two other Bills here in my Hand, the one intituled, *An Act for the levying the Arrears of the Twelve-Months Aſſeſſment, commencing* June 24, 1659, *and the Six-Months Aſſeſſment, commencing* Dec. 25, 1659; and the other intituled, *An Act for the ſpeedy Proviſion of Money, for diſbanding and paying off the Forces of this Kingdom, both by Land and Sea*, they hope this Account will be fully cleared off at laſt. An. 12. Car. II. 1660. December.

'Sir, your Commons have likewiſe taken into their Conſideration the Charge of your Summer Fleet; which, beſides that Part thereof, your Majeſty is pleaſed to take upon yourſelf for your ordinary Guard of the Seas, will amount to a very great Sum; and as it is a great Debt, ſo it is a growing Debt: In a few Months it doubles. There is a Saying, *Qui cito dat bis dat*; I am ſure it muſt be true in this Caſe, *Qui cito ſolvit bis ſolvit*, to pay his Debt readily is the Way to pay but once; and to take Time to pay it is the ſure Way to pay it twice; and therefore your Commons laying aſide the ſad Thoughts of their long Sufferings, and thoſe miſerable Devaſtations and Preſſures they have lain under for many Years laſt paſt; and looking upon the Neceſſity of Affairs, which call importunately, and muſt be anſwered effectually, hath paſſed another Bill here in my Hand, intituled, *An Act for ſix Months Aſſeſſment of* 70,000 l. per Menſem, *to begin the firſt of* January, *and to be paid in, the one Moiety thereof before the firſt of* February, *and the other Moiety, being the remaining Part, by the firſt of* April *next enſuing*: Which is to be applied wholly in paying off the Arrears of your Majeſty's Army and Navy.

'I have three other Bills in my Hand, which have Relation to your Majeſty's Revenue, and are Branches thereof; the one intituled, *An Act for the better ordering the ſelling of Wines by Retale, and for preventing of Abuſes in mingling, corrupting, and vi-*

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tiating of Wines, and for ſettling and limiting the Prices of the ſame: And the Bill is tendered unto your Majeſty for preventing all further Diſputes touching the Legality thereof, for we know it is your Majeſty's Deſire, that nothing might be done by any of your Officers or Miniſters that act under you, *ſine Figura Juſtitiæ et Warranto Legis.* Another is intituled, *An Act for erecting and eſtabliſhing a Poſt-Office:* And this being likewiſe legally ſettled, will be of very great Uſe to all your Majeſty's People, and eſpecially your Merchants, for holding Intelligence with their Correſpondents, Factors, and Agents, in foreign Parts *Literæ ſunt Indices Animi*; and without the ſpeedy Diſpatch and Conveyance of their Letters, they will never be able to time their Buſineſs, nor carry on their Trade to an equal Advantage with the Merchants of other Countries. The other Bill provides for the Increaſe of your Majeſty's ordinary and conſtant Revenue, by the Grant of an Impoſt to be taken upon Ale, Beer, and other Beveridge therein particularly mentioned and expreſſed, to hold to your Majeſty for Life, which God long continue. And as it is the Deſire of your Commons that your Majeſty might never be neceſſitated to reſort to any extraordinary or unparliamentary Ways and Means, for the raiſing of Money upon your People, ſo they likewiſe acknowledge it to be their Deſires to ſupport and uphold, to the utmoſt of their Powers, the Honour and Grandeur of your Majeſty's Royal State and Dignity.

'And for a further Evidence of your Commons dutiful Affections to your Majeſty's moſt dear and Royal Perſon, they have paſſed another Bill for the raiſing of 70,000 *l.* for your Majeſty's further Supply; all which Bills I am commanded humbly to preſent your Majeſty withall, and to pray your gracious Acceptance thereof, and your Royal Aſſent thereunto.

'There are other Bills likewiſe, of public Concernment, which have paſſed both Houſes, and do now attend upon your Majeſty, waiting for your Royal Aſſent; the one is intituled, *An Act for the Attainder of ſeveral Perſons guilty of the horrid Mur-*

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der of his late Sacred Majeſty, your Royal Father of ever bleſſed Memory. There is another Bill, intituled, *An Act for the Confirmation of Leaſes and Grants from Colleges and Hoſpitals*; this will tend much to the quitting many Men's Eſtates that in the late unhappy Times were inforced to renew and change their Eſtates much for the worſe, were it not for the Favour your Majeſty intends them in this Bill: There is another Bill to prohibit the Exportation of Wooll, Wooll-Fells, Fullers Earth, or any other ſcouring Earth: Woollen Manufactures, beſides the Duties they pay for your Majeſty's Cuſtoms here at home, have great Impoſitions laid upon them in foreign Parts where they are vended, in the *Low Countries* 16 or 17 *per Cent.* and in *Portugal* 20 *per Cent.* at leaſt; but thoſe who, for their own filthy Lucre Sake, having no Regard or Reſpect to the Public Good, that ſteal over the Materials of which thoſe Manufactures are made, pay not one Penny here or there, and by that Means Strangers do make thoſe Manufactures of our Wooll upon ſuch eaſy Terms, that they can afford, and do underſell your Merchants; which is the Occaſion of a double Loſs, firſt, to your Majeſty in your Cuſtoms, and, in the next Place, to your People, who are thereby diſheartened and diſcouraged; and in a ſhort Time, if not prevented, will be utterly beaten out of that antient native ſtaple Trade, upon which many thouſand Families do wholly depend for all their Livelihood and Subſiſtence. An. 12. Car. II. 1660. December.

'There is another Bill, intituled, *An Act to prohibit the planting, ſetting, or ſowing of Tobacco in* England *and* Ireland. This Climate is ſo cold that it never comes to any Maturity or Perfection; for we find, by Experience, though it be ever ſo well healed, and made up with the greateſt Art and Skill that can be poſſible, yet it is impoſſible, after it is made up into the Roll, to keep and preſerve it from putrifying above three or four Months at the moſt; and therefore Phyſicians, even thoſe that love it beſt and uſe it moſt, conclude, generally, that it is unwholſome for Men's Bodies; beſides many other great

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Damages and Inconveniences will follow upon it, if it ſhould be permitted, the Abatement of your Majeſty's Cuſtoms, the Deſtruction of your Plantations abroad, the Diſcouragement of Navigation, and ſo conſequently the Decay of Shipping, which are the Walls and Bulwarks of your Majeſty's Kingdom.

'There is another Bill, intituled, *An Act for taking away the Court of Wards and Liveries, together with Tenures* in Capite, *Knight's Service, Tenures, and Purveyances.* This Bill, *ex Re Nata*, may properly be called a Bill of Exchange; for as Care is therein taken for the Eaſe of your People, ſo the Supply of that Part of your Majeſty's Revenue, which formerly came into your Treaſury by your Tenures, and for your Purveyances, is thereby likewiſe fully provided for by the Grant of another Impoſition, to be taken upon Ale, Beer, and other Liquors, to hold to your Majeſty, your Heirs and Succeſſors for ever; and that they ſhould not look upon the Conſiderations, mentioned in this Bill, as a full Compenſation and Recompence for your Majeſty's parting with two ſuch Royal Prerogatives and antient Flowers of the Crown, if more were not implied than is expreſſed; for, Royal Sir, your Tenures *in Capite* are not only turned into a Tenure of Socage, (tho' that alone will for ever give your Majeſty a juſt Right and Title to the Labour of your Ploughs and the Sweat of our Brows) but they are likewiſe turned into a Tenure *in Corde*. What your Majeſty had before in your Court of Wards, you will be ſure to find it hereafter in the Exchequer of your People's Hearts. The King of *Spain*'s Mines will ſooner deceive him than this Revenue will fail you, for his Mines have Bottoms; but the deeper your Majeſty ſinks yourſelf into the Hearts and Affections of your People, the greater you will find your Wealth to be, and the more inviſible your Strength.

'Royal Sir, We have nothing more to offer or to aſk, but muſt conclude all our Work this Parliament with an humble and thankful Acknowledgement of God's infinite Goodneſs and Mercy, in reſtoring

ſtoring your Majeſty to your Royal and Imperial Crown, Throne, and Dignity, and for making you the Reſtorer of that which is dearer unto us than our Lives, our Religion; in which, through God's Bleſſing and gracious Aſſiſtance, we are reſolved to live and die: As likewiſe for reſtoring us to our *Magna Charta* Liberties, having taken the Charge and Care of them into your own Heart, which is our greateſt Security, and more than a thouſand Confirmations. An. 12. Car. II. 1660. December.

'Royal Sir, You have denied us nothing we have aſked this Parliament; indeed you have out-done your Parliament, by doing much more for us than we could agree amongſt ourſelves to aſk, and therefore muſt needs be a happy Parliament: This is a healing Parliament, a reconciling Peace-making Parliament, a bleſſed Parliament; a Parliament *propter Excellentiam*, that may truly be called, *Parliamentiſſimum Parliamentum*. No Man can ſay, that hath made the moſt curious Search into Books and Records, that there ever was ſuch a Parliament as this; and it is our unſpeakable Joy and Comfort that no Man can ſay, ſo long as your Majeſty lives, but we may have ſuch another, for you have ſet your Royal Heart upon it to do your People Good.

'And as we have nothing more to ſay, ſo we have nothing more to do, but that which will be a-doing as long as we have a Being, the pouring out of our Souls unto Almighty God for your Majeſty's long, long, long, and moſt happy, bleſſed, glorious, and proſperous Reign over us.'

After which the Speaker preſented his Majeſty with theſe public Bills:

1. *An Act for the levying the Arrears of the Twelve-Months Aſſeſſment, commencing the 24th of* June, 1659, *and the Six-Months, commencing the 25th of* December, 1659.

2. *An Act for the further ſupplying and explaining certain Defects in the Act for the ſpeedy Proviſion of Money, for diſbanding and paying off the Forces of this Kingdom, both by Land and Sea.*

3. *An*

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3. *An Act for granting unto the King's Majesty* 420,000 l. *by Assessment of* 70,000 l. per Mensem, *for six Months, for disbanding of the Army and paying off the Navy.*

4. *An Act for erecting and establishing a Post-Office.*

5. *An Act for the better ordering the selling of Wines, and for preventing the Abuses in mingling, corrupting, and vitiating of Wines, and for settling and limiting the Price of the same.*

6. *An Act for raising* 70,000 l. *for a further Supply to his Majesty.*

These Bills being received from the Speaker by the Clerk of the Parliament, were brought to his Table, and had the Royal Assent given them, with other Bills as followeth. The several Titles were read by the Clerk of the Crown.

1. *An Act for the Attainder of several Persons guilty of the horrid Murder of his late Sacred Majesty King* Charles *the First.*

2. *An Act for prohibiting the planting, setting, or sowing of Tobacco in* England *and* Ireland.

3. *An Act for Confirmation of Marriages.*

4. *An Act for Confirmation of College Leases and Grants from Colleges and Hospitals.*

5. *An Act for prohibiting the Exportation of Wooll, Wooll-Fells, Fullers Earth, or any Kind of scouring Earth.*

To these last five Bills the Royal Assent was pronounced by the Clerk of the Parliament, in these Words: *Le Roy le Veult.*

And to twenty-one private Bills.

All these Bills being thus passed, the King was pleased to make the following Speech to both Houses.

My Lords and Gentlemen,

His Majesty's Speech to both Houses.

I Will not entertain you with a long Discourse, the Sum of all I have to say to you being but to give you Thanks, and I assure you I find it a very difficult Work to satisfy myself in my own Expressions of those Thanks; perfunctory Thanks, ordinary Thanks, for ordinary Civilities are easily given, but when the Heart

Heart is as full as mine is, it is a Labour to thank you; you have taken great Pains to oblige me, and therefore it cannot be eaſy for me to expreſs the Senſe I have of it.

I will enlarge no further on this Occaſion than to tell you that, when God brought me hither, I brought with me an extraordinary Affection and Eſteem for Parliaments.

I need not tell you how much it is improved by your Carriage towards me; you have out-done all the good and obliging Acts of your Predeceſſors towards the Crown; and, therefore, you cannot but believe my Heart is exceedingly enlarged with the Acknowledgement.

Many former Parliaments have had particular Denominations from what they have done; they have been ſtiled learned and unlearned, and ſometimes have had worſe Epithets; I pray let us all reſolve that this be for ever called the healing and bleſſed Parliament.

As I thank you, though not enough, for what you have done, ſo I have not the leaſt Doubt, by the Bleſſing of God, but when I ſhall call the next Parliament, which I ſhall do as ſoon as you can reaſonably expect, or deſire, I ſhall receive your Thanks for what I have done ſince I parted from you, for I deal truly with you. I ſhall not more propoſe any one real Good to myſelf in my Actions and in my Councils than this, What is a Parliament like to think of this Action or this Council? And it ſhall be for want of Underſtanding in me, if it will not bear that Teſt.

I ſhall conclude with this, which I cannot ſay too often, nor you too often where you go, That, next to the miraculous Bleſſing of God Almighty, and, indeed, as an immediate Effect of that Bleſſing, I do impute the good Diſpoſition and Security we are all in, to the happy Act of Indemnity and Oblivion, which is the principal Corner-Stone that ſupports this excellent Building, and creates Kindneſs in us to each other; Confidence being our joint and common Security. You may be ſure I will not only obſerve, religiouſly and inviolably, myſelf, but alſo exact the Obſervation of it from others; and if any Perſon ſhould ever have the Boldneſs to attempt

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tempt to perſuade me to the contrary, he will find ſuch an Acceptation from me as he would have who ſhould perſuade me to burn Magna Charta, *cancel all the old Laws, and to erect a new Government after my own Invention and Appetite.*

There are many other Particulars which I will not truſt my own Memory with, but will require the Chancellor to ſay the reſt to you.

After his Majeſty had done, the Lord-Chancellor came from his Place and kneel'd down cloſe by his Majeſty's Chair, and received his Majeſty's Directions what to ſay further; and being returned to his Place, he ſaid as followeth:

My Lords, and you the Knights, Citizens, and Burgeſſes of the Houſe of Commons,

The Lord Chancellor's Speech to both Houſes.

'THERE cannot be a greater Manifeſtation of an excellent Temper and Harmony of Affections throughout the Nation, than that the King and his two Houſes of Parliament meet with the ſame Affections and Chearfulneſs, the ſame Alacrity in their Countenance, at the Diſſolution, as when they met at the Convention of Parliament. It is an unqueſtionable Evidence that they are exceedingly ſatisfied in what they have done towards each other, that they have very well done all the Buſineſs they came about; this is now your Caſe, you have ſo well ſatisfied your own Conſciences, that you are ſure you have ſatisfied the King's Expectation and his Hope, and the Deſire and Wiſhes of the Country.

'It was very juſtly obſerved, by you Mr. Speaker, that you have never aſked any one Thing of the King which he hath not (with all imaginable Chearfulneſs) granted; in Truth, his Majeſty doth, with great Comfort, acknowledge that you have been ſo far from denying him any Thing he hath aſked, that he hath ſcarce wiſhed any Thing that you have not granted; and it is no Wonder that, having ſo fully complied with your Obligations, and having ſo well compoſed the Minds of the Nation, you

are willing to be relieved from this extraordinary Fatigue you have submitted so long to, and to return to the Consideration of your own particular Affairs, which you have so long sacrificed to the Public; and this reasonable Wish and Desire hath brought the King to comply with you, and, which nothing else could do, to part with you with an equal Chearfulness; and he makes no Doubt but all succeeding Parliaments will pay you their Thanks for all you have done, and look upon your Actions and your Example with all possible Approbation and Reverence. An. 12. Car. II. 1660. December.

'The King and you have given such Earnest to one another of your mutual Affection; you have been so exact and punctual in your Proceedings towards each other, that you have made no Promise, no Profession to each other, of making good, to the performing of which the World is not Witness. You declared at the Adjournment, in *September* last, your Resolution to settle a noble Revenue on the Crown; you have done it with all the Circumstances of Affection and Prudence: The King promised you to establish a Council of Trade, a Council for the foreign Plantations, a Commission for composing all Differences upon Sales; all this he did before your coming together, and with very good Effect, and you shall hear that the Proceedings in every one of them are more vigorous and effectual after your Dissolution. His Majesty then promised you that he will give up all his Endeavours to compose the unhappy Differences in Matters of Religion, and to restore the languishing Church to Peace and Order: *Constantine* himself spent so much of his own Time in private and public Conferences; to that Purpose his Majesty, in private, conferred with the learned Men, and heard all that could be said upon several Opinions and Interests apart; and that, in the Presence of both Parties, himself moderating in the Debates; and let's Care, and Diligence, and Authority would not have done that Work; and God hath so blessed his Labour, and made his Determination in that Affair so generally agreeable, that he hath received

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ceived Thanks from his Houſes of Parliament; that is, from the whole Kingdom: If, after all this, his Majeſty doth not reap the full Harveſt he expected from thoſe Condeſcentions; if ſome Men, by their Writing and their Preaching, endeavour to continue thoſe Breaches, and very raſhly, and I think unconſcientiouſly, keep up the Diſtinctions, and publickly juſtify and maintain what hath heretofore been done amiſs, and for which the Act of Indemnity was the beſt Defence, I ſhall ſay no more than that I hope their Want of Modeſty and Obedience will cauſe them to be diſclaimed by all pious and peaceable Men; who cannot but be well contented to ſee them reduced by Laws, to the Obedience they owe to Law: And his Majeſty is confident that this his beloved City, towards which his Heart is ſo gracious and ſo full of princely Deſigns to improve their Honour, their Wealth, and their Beauty, will diſcountenance all theſe ſeditious Deſigns; and, by returning and fixing themſelves upon their good old Foundations, make themſelves the great Example of Piety, of Loyalty, and of hearty Affection to the whole Kingdom.

'This Diſcourſe puts me in Mind to ſay to you, that tho' the King wonders much more at the many great Things you have done than that you left any thing undone, yet he could have wiſhed, and would have been glad, that your other weighty Affairs had given you Time to have publiſhed your Opinion and Advice in the Buſineſs of the Militia; that the People, after ſo many Diſputes upon that Argument, might have diſcerned that the King and his two Houſes of Parliament are as much in the ſame Mind in that as in all other Things, as no doubt they are; but ſince that could not be done, you may all aſſure yourſelves that the King will proceed therein with all imaginable Care and Circumſpection, for the Eaſe, Quiet, and Security of his People; and as he did before the laſt Receſs, by the unanimous Advice of his Privy Council, iſſue out his Commiſſion of Lieutenancy for the ſettling the Militia in the ſeveral Counties, to prevent any Diſ-

Diſorders which many apprehended might ariſe upon the diſbanding the Army, ſo he will now again recommend it to themſelves to put it in ſuch a Poſture, as may diſappoint any ſeditious Deſigns which are now on Foot; and there cannot be too much Circumſpection and Vigilance to fruſtrate thoſe Deſigns. An. 12. Car. II. 1660. December.

'You have heard of many ſuſpected and dangerous Perſons which have lately been clapt up; and it was high Time to look about. His Majeſty hath ſpent many Hours himſelf in the Examination of this Buſineſs, and ſome of the principal Officers, who, before they came to his Majeſty's Preſence, could not be brought to acknowledge any thing, after the King himſelf had ſpoken to them, confeſſed that their Spirits were inſenſibly prevailed upon and ſubdued, and that it was not in their Power to conceal their Guilt from him: They have confeſſed that there is a Party of the late diſbanded Officers and Soldiers, and others, full of Diſcontent and ſeditious Purpoſes, and a Reſolution to attempt the Change of the preſent Government, and to erect the Republic: They acknowledge that they did purpoſe to have made their Attempt for the Reſcue of thoſe Wretches who were ſo juſtly condemned at *Newgate*, and ſo worthily executed, and that *Ludlow* ſhould have then appeared at the Head of them; that they made themſelves ſure at the ſame Time, by Parties and Confederacy, to have ſurprized the Tower of *London* and the Caſtle of *Windſor*, but that they found, or at leaſt apprehended, that their Deſign was diſcovered; which ſo broke their Spirits, that they concluded they muſt acquieſce for the preſent, and ſtay till the Army ſhould be diſbanded; which, they ſaid, was generally debauched; that is, returned to an honeſt and faſt Obedience to the King; and that it is evident they were betrayed by thoſe who were moſt intirely truſted by them, and they were in the Right. The King had Notice of all their Deſigns, what Progreſs they made, and the Night they intended to ſurpriſe the *Tower* and *Windſor*, and gave Notice to the ſeveral Governors; and ſo, without any Noiſe,

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Noiſe, that Miſchief was, by God's Goodneſs, prevented. They acknowledge that they have ſince recovered their Courage and Reſolution, and were about this Time to make their full Attempt. They have been promiſed ſome conſiderable Riſing in the Weſt under *Ludlow*, and in the North under others; but this Place was the Scene of greateſt Hopes; they made ſure of a Body here, I think they ſay of two thouſand five hundred Men, with which they reſolved, in the firſt Place, to ſecure (you know what that Security is) the Perſon of the General the Duke of *Albemarle*, with whom they have ſo much Reaſon to be angry, and at the ſame Time to poſſeſs themſelves of *Whitehall:* You know the Method uſed in ſuch Poſſeſſion, kill and take Poſſeſſion. And this inſupportable Calamity God hath again diverted from us; though I muſt tell you the poor Men, who ſeem to ſpeak honeſtly, and upon the Impulſion of Conſcience, are very far from being confident that there will not be ſome deſperate Inſurrection and Attempts in ſeveral Parts of this Kingdom, within a ſhort Time, which all poſſible Care will be taken to prevent; and, in Truth, this very good City ſo well requires the King's abundant Grace and Kindneſs to it, that not only by the unwearied Pains and Diligence of the worthy Lord Mayor, but by the general Temper and Conſtitution of the whole City, the diſcontented and ſeditious Party (which can never be totally extirpated out of ſuch a Metropolis) is like to have little Encouragement to purſue their deſperate Councils.

'The King doth not believe that all thoſe Perſons, who, at preſent, are apprehended and in Cuſtody, will be found guilty of this Treaſon; it is a vulgar and known Artifice to corrupt inferior Perſons, by perſuading them that better Men are engaged in the ſame Enterprize, and the King will make as much Haſte as he can to ſet thoſe at Liberty, againſt whom the Evidence or Suſpicion is not too treaſonable. In the mean Time, they who, in Truth, are innocent, muſt confeſs, that the Proceedings towards them hath been very natural and

full

full of Clemency; and no Man will wonder if his Majesty be very desirous that, in this Conjuncture, and in order to prevent or suppress these two visible Distempers and Machinations, his Majesty in all Places be in good Order and Preparation; and you may assure yourselves that, in the Forming and Conduct of it, he will have so great a Care for the Ease and Quiet of his People, that if any Person trusted by him shall, through Want of Skill or Want of Temper, satisfy his own Passion, or Appetite, in grieving or vexing his Neighbours, his Majesty will be so sensible of it, that, if it can be cured no other Way, his Trust shall be quickly determined: And he is not at all reserved in giving those Animadversions and Reprehensions when there is Occasion, and his Ears will be always open to receive those Complaints. An. 12. Car. II. 1660. December.

'My Lords and Gentlemen, You are now returning to your Countries, to receive the Thanks and Acknowledgements of your Friends and Neighbours for the great Things you have done; and to make the Burden you have laid upon them easy, by convincing them of the inevitable Necessity of their submitting to them. You will make them see that you have proceeded very far towards the Separation, and even Divorce, of that Necessity from them, to which they have been so long married; that they are now restored to that blessed Temper of Government, under which their Ancestors enjoyed, so many hundred Years, that full Measure of Felicity, and the Misery of being deprived of which they have so sensibly felt; that they are now free from those Midnight Alarms with which they have been so terrified, and rise off their Beds, at their own healthy Houses, without being saluted with the Death of a Husband, a Son, and Friend, miserably killed the Night or Day before, and with such Circumstances killed, as improved the Misery beyond the Loss itself. This Infranchisement is worth all they pay for it. Your Lordships will easily recover that Estimation and Reverence that is due to your high Condition, by the Exercise and Practice of that Virtue from whence

your

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your Honours first sprang; the Example of your Justice and Piety will inflame the Hearts of the People towards you, and from your Practice they will make a Judgment of the King himself. They know very well that you are not only admitted to his Presence, but to his Conversation, and even in a Degree to his Friendship, for you are his great Council; by your Example they will form their own Manners, and by yours they will make a Guess at the King's; therefore, under that Obligation, you will cause your Piety, your Justice, your Affability, and your Charity, to shine as bright as is possible before them. They are too much in Love with *England*, too partial to it, who believe it the best Country in the World; there is a better Earth, and a better Air, and better, that is a warmer, Sun in other Countries; but we are no more than just when we say, That *England* is an Inclosure of the best People in the World, when they are well informed and instructed; a People, in Sobriety of Conscience, the most devoted to God Almighty; in the Integrity of their Affections, the most dutiful to the King; in their good Manners and Inclinations, most regardful and loving to the Nobility; no Nobility in *Europe* so intirely beloved by the People; there may be more Awe, and Fear, and Terror of them, but no such Respect towards them as in *England*. I beseech your Lordships do not undervalue this Love; they have look'd upon your Lordships, and they will look upon your Lordships again, as the greatest Example and Patron of Duty; to the King, as their greatest Security and Protection from Injury and Injustice, and for their enjoying whatsoever is due to them by the Law; and as the most proper Mediators and Interposers to the King, if, by any Failure of Justice, they should be exposed to any Oppression and Violence; and this Exercise of your Justice and Kindness towards them will make them the more abhor and abominate that Party upon which a Commonwealth must be founded, because it would extirpate, or suppress, or deprive them of their beloved Nobility, which are such a Support and Security to their full Happiness.

An

'And you Gentlemen of the Houſe of Commons, who are now returning to your Country, laden with a Truſt not inferior or leſs weighty than that you brought from thence: You came up their Deputies to the King, and he returns you now his Deputies to them; his Plenipotentiaries to inform and aſſure them, that he thinks himſelf the happieſt and greateſt Prince in the World, not from the Situation of his Dominions, and the Power of his great Navy, with which he can viſit his Neighbours, and keep them from viſiting him; or from the noble Revenue you have ſettled upon him, which he will improve with all good Huſbandry; but being poſſeſſed of the Affections and Hearts of ſuch Subjects, that he doth ſo intirely love them and depend upon them, that all his Actions and all his Councils ſhall tend to no other End but to make them happy and proſperous; that he thinks his Honour and his Intereſt principally to conſiſt in providing for, and advancing the Honour and Intereſt of, the Nation. An. 12. Car. II. 1660. December.

'That you may have the more Credit in what you ſay, he will not take it unkindly if you publiſh his Defects and Infirmities; you may tell them that he is ſo confident in the Multitude of his very good and faithful Subjects, that he is very hard to be perſuaded that his few ill and unfaithful Subjects can do him much Harm; that he ſo much depends on the Affections of honeſt Men, and their Zeal for his Security, that he is not ſo ſollicitous and vigilant for his own Safety as he ought to be, amidſt ſo many Combinations of which he is ſo well informed, that his Servants, who with Grief and Anguiſh importune him not to take ſo little Care of his own Safety, can obtain no other Anſwer from him, than what *Cæſar* heretofore gave to his zealous Friends, *Mori me malle quam timere:* He will die any Death rather than live in Fear of his own Subjects, or that they ſhould be in Fear of him. You may tell them, as a great Infirmity, that a troubled and diſcontented Countenance ſo afflicts him, that he would remove it from them at his own Charge, as if he himſelf were in the Fault: And when he hath been informed

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of any leſs Kind or jealous Thing ſaid amongſt you, (as your Windows are never ſo cloſe ſhut, but that the Sound of your Words goes to the ſeveral Corners of the Town) his Majeſty hath been heard to ſay no more but, *What have I done? I wiſh that Gentleman and I were acquainted, that he knew me better.* Oh! Gentlemen, you cannot be yourſelves, nor you cannot make yourſelves too zealous or too jealous for ſuch a Prince's Safety, or too ſollicitous for ſuch a Prince's Satisfaction and Content, to whom we may very juſtly ſay, as the King of *Tyre* writ to *Solomon*, *Becauſe God hath loved his People, he hath made thee King over them:* Even his own Defects and Infirmities are very neceſſary towards the full Meaſure of your Proſperity.

'My Lords and Gentlemen, God hath enabled us to invert one Argument, which I hope may, to a good Degree, repair the much Miſchief it hath heretofore done: It hath been urged very unreaſonably, yet ſucceſsfully urged, in the worſt Times, that it was not Faith, but Preſumption, to expect that God would reſtore a Family, with which he ſeem'd to have a Controverſy, and hath humbled ſo far; that he would countenance a Party that he had ſo much diſcountenanced, and almoſt deſtroyed. We may here much more reaſonably, and therefore, I hope, as effectually, preſs the Miracles that God Almighty hath lately wrought for King and People, as an Evidence that he will not again eaſily forſake them. We may tell thoſe who are uſing all their Endeavours to embroil the Nation in new Troubles, that it is not probable that a Nation, againſt which God hath ſeemed, theſe late Years, to have pronounced his Judgments in the very Language of the Prophets, *Go ye ſwift Meſſengers to a Nation ſcattered and peeled; to a People terrible from the Beginning hitherto; to a Nation rooted out and trodden down, whoſe Lands the Rivers have ſpoiled; the Lord hath mingled a perverſe Spirit in the Midſt thereof;* that he ſhould reduce that Perverſeneſs to the greateſt Meekneſs and Reſignation; that he ſhould withdraw his Judgment from this Nation, and, in a Mo-

Moment, reſtore it to all the Happineſs it can wiſh, and to no other End but to expoſe it to the Mercy and Fury of a few diſcontented Perſons, the worſt of the Nation, is not eaſy to be believed. An. 12. Car. II. 1660. December.

'We may tell thoſe who ſtill contrive the Ruin of the Church, (the beſt and beſt Reformed Church in the Chriſtian World, reformed by that Authority, and with thoſe Circumſtances, as a Reformation ought to be made) that God would not ſo miraculouſly have ſnatched this Church as a Brand out of the Fire; would not have raiſed it from the Grave after he had ſuffered it to be buried ſo many Years, by the boiſterous Hands of profane and ſacriligious Perſons, under its own Rubbiſh, to expoſe it again to the ſame Rapine, Reproach, and Impiety. That Church which delights itſelf in being called Catholic, was never ſo near Expiration, never had ſuch a Reſurrection. That ſo ſmall a Pittance of Meal and Oil ſhould be ſufficient to preſerve and nouriſh the poor Widow and her Family ſo long, is very little more miraculous than that ſuch a Number of pious, learned, and very aged Biſhops ſhould ſo many Years be preſerved, in ſuch wonderful Straits and Oppreſſions, untill they ſhould plentifully provide for their own Succeſſion. That after ſuch a deep Deluge of Sacrilege, Profaneneſs, and Impiety had covered, and, to common Underſtanding, ſwallowed it up; that that Church ſhould again appear above the Waters, God be again ſerved in that Church, and ſerved as he ought to be, and there ſhould be ſome Revenue left to ſupport and encourage thoſe who ſerve him; nay, that many of thoſe who ſeem'd to thirſt after that Revenue till they had poſſeſſed it, ſhould conſcientiouſly reſtore what they had taken away, and become good Sons and willing Tenants to that Church they had ſo lately ſpoiled, may make us all piouſly believe that God Almighty would not have been at the Expence and Charge of ſuch a Deliverance; but, in the Behalf of a Church, very acceptable to him, and which ſhall continue to the End of the World, and againſt which the Gates of Hell ſhall not be able to prevail.

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'We may tell thoſe deſperate Wretches who ſtill harbour in their Thoughts wicked Deſigns againſt the Sacred Perſon of the King, in order to the compaſſing of their own Imaginations, that God Almighty would not have led him through ſo many Wilderneſſes of Afflictions of all Kinds, conducted him through ſo many Perils at Sea, and Perils by Land, ſnatched him out of the Midſt of this Kingdom when it was not worthy of him, and when the Hands of his Enemies were even upon him, when they thought themſelves ſo ſure of him that they would bid ſo cheap and ſo vile a Price for him; he could not, in that Article, have ſo covered him with a Cloud, that he travelled, even with ſome Pleaſure and great Obſervation, through the Midſt of his Enemies. He would not ſo wonderfully have new modelled that Army, ſo inſpired their Hearts and the Hearts of the whole Nation, with an honeſt and impatient Longing for the Return of their dear Sovereign; and, in the mean Time, have ſo tried him (which had little leſs Providence in it than the other) with theſe unnatural, or at leaſt unuſual, Diſreſpects and Reproaches abroad, that he might have a harmleſs and an innocent Appetite to his own Country, and return to his own People with a full Value, and the whole unwaſted Bulk of his Affections, without being corrupted or biaſſed by extraordinary foreign Obligations. God Almighty would not have done all this but for a Servant, whom he will always preſerve as the Apple of his own Eye, and always defend from the moſt ſecret Imaginations of his Enemies.

'If theſe Argumentations, Gentlemen, urged with that Vivacity as is moſt natural to your own Gratitude and Affections, recover as many (and it would be ſtrange if they ſhould not) as have been corrupted by the other Logic, the Hearts of the whole Nation, even to a Man, will inſenſibly be ſo devoted to the King, as the only Conſervator and Protector of all that is dear and precious to them; and will be ſo zealous to pleaſe him, whoſe greateſt Pleaſure is to ſee them pleaſed, that when they make Choice of Perſons again

again to ſerve in Parliament, they will not chuſe ſuch as they wiſh ſhould oppoſe the King, but therefore chuſe becauſe they have, and becauſe they are to like to ſerve the King with their whole Hearts; and, ſince he deſires what is beſt for his People, to gratify him in all his Deſires. This bleſſed Harmony would raiſe us to the higheſt Pinnacle of Honour and Happineſs in this World: A Pinnacle without a Point, upon which King and People may ſecurely reſt and repoſe themſelves, againſt all the Guſts, and Storms, and Temptations which all the Malice of this World can raiſe againſt us: And I am ſure you will all contend to be at the Top of this Pinnacle. An. 12. Car. II. 1660. December.

'I have no more to add but the Words of Cuſtom, That the King declares this preſent Parliament to be diſſolved; and this Parliament is diſſolved accordingly.'

☞ *The Compilers of this Hiſtory, having finiſhed the Work up to the Period they intended, proceed no further; and do now return their hearty Thanks to the Public for their kind and generous Acceptance of it.*

APPENDIX

OF

Several Matters relative to the foregoing Hiſtory, which were either omitted in the Courſe of it, or have been ſent in to the Compilers ſince the Publication of the former Part of this Work. And firſt,

The PARLIAMENTARY HISTORY, Vol. I. p. 274.

IT having been objected that too little is ſaid of that famous Act of the 25th of *Edward* III. declaring what Offences ſhall be judged TREASON; it is thought proper to reprint the whole Act, as it ſtands in our Statute Books; a Repeal of which has never been attempted in any Reign ſince. An. 25. Ed. III. 1351.

A DECLARATION *what Offences ſhall be adjudged* TREASON.

'WHereas divers Opinions have been before this Time, in what Caſe Treaſon ſhall 'be ſaid, and in what not: The King, at the Re-'queſt of the Lords and of the Commons, hath 'made a Declaration in the Manner as hereafter 'followeth; that is to ſay, When a Man doth com-'paſs or imagine the Death of our Lord the King, 'or of our Lady his Queen, or of their eldeſt Son 'and Heir; or if a Man do violate the King's Com-'panion, or the King's eldeſt Daughter unmarried,

'or

An. 25. Ed. III. 1351.

'or the Wife of the King's eldeſt Son and Heir; 'or if a Man do levy War againſt our Lord the 'King in his Realm, or be adherent to the King's 'Enemies in his Realm, giving to them Aid and 'Comfort in the Realm or elſewhere, and thereof 'be probably attainted of open Deed by People of 'their Condition: And if a Man counterfeit the 'King's Great or Privy Seal, or his Money; and 'if a Man bring falſe Money into this Realm, coun-'terfeit to the Money of *England*, as the Money 'called *Luſhburgh*, or other like to the ſaid Money 'of *England*, knowing the Money to be falſe to 'Merchandiſe, or make Payment, in Deceit of our 'ſaid Lord the King, and of his People: And if a 'Man ſlay the Chancellor, Treaſurer, or the King's 'Juſtices of the one Bench or the other, Juſtices in 'Eyre, or Juſtices of Aſſize, and all other Juſtices 'aſſigned to hear and determine, being in their 'Places doing their Offices.

'And it is to be underſtood, in the Caſes above 'rehearſed, that ought to be judged Treaſon, 'which extends to our Lord the King and his Royal 'Majeſty; and of ſuch Treaſon the Forfeiture of 'the Eſcheats pertaineth to our Lord, as well of 'the Lands and Tenements holden of other, as of 'himſelf.

'And, moreover, there is another Manner of 'Treaſon; that is to ſay, When a Servant ſlayeth 'his Maſter; or a Wife her Huſband; or when a 'Man, Secular or Religious, ſlayeth his Prelate to 'whom he oweth Faith and Obedience; and to 'ſuch Treaſon the Eſcheats ought to pertain to every 'Lord of his own Fee.

'And becauſe that many other like Caſes of Trea-'ſon may happen in Time to come, which a Man 'cannot think nor declare at this preſent Time; it 'is accorded, that if any other Caſe, ſuppoſed Trea-'ſon, which is not above ſpecified, doth happen be-'fore any Juſtices, the Juſtices ſhall tarry without 'any going to Judgment of the Treaſon, till the 'Cauſe be ſhewed and declared before the King and

'his

'his Parliament, whether it ought to be judge 'Treaſon or other Felony. An. 25. Ed. III. 1351.

'And if, percaſe, any Man of this Realm ride 'armed, covertly or ſecretly with Men of Arms, 'againſt any other, to ſlay him, or rob him, or take 'him, or retain him till he hath made Fine or Ran-'ſom for to have his Deliverance, it is not the 'Mind of the King nor his Council, that in ſuch 'Caſe it ſhall be judged Treaſon, but ſhall be judged 'Felony or Treſpaſs, according to the Laws of the 'Land of old Time uſed, and according as the Caſe 'requireth. And if in ſuch Caſe, or other like, be-'fore this Time, any Juſtices have judged Treaſon, 'and for this Cauſe the Lands and Tenements have 'commen into the King's Hands as Forfeit, the 'chief Lords of the Fee ſhall have the Eſcheats of 'the Tenements holden of them, whether that the 'ſame Tenements be in the King's Hands or in 'others, by Gift or in other Manner.

'Saving always to our Lord the King the Year 'and the Waſte, and the Forfeitures of Chattels, 'which pertain to him in the Caſes above-named. 'And that the Writs of *Scire facias* be granted in 'ſuch Caſe againſt the Land Tenements without 'other Original, and without allowing any Protec-'tion in the ſaid Suit. And that of the Lands which 'be in the King's Hands, Writs be granted to the 'Sheriffs of the Counties where the Lands be, to 'deliver them out of the King's Hands without De-'lay.'

Nothing occurs to the Editors of this Hiſtory, which is omitted in the Work, from the laſt Period to the Reign of King *James* the Firſt; where we find a Speech of that Monarch's wanting, which he made to both Houſes of Parliament at *Whitehall*, *March* 23, 1609, and the ſeventh Year of his Reign. This Speech, or the Occaſion of calling both Houſes together, at this Time, is not taken Notice of in the *Journals* of either Houſe; and therefore we know not exactly where to place it[a]. But ſince we find

[a] It ſeems to fall in ſomewhere about Page 227, Vol. V.

An. 7. James I. 1609. March. find it printed in the large Folio Volume of this King's Works, the Authenticity of it cannot be disputed; and therefore we give it as follows:

A Speech of King *James* I. made to both Houſes of Parliament at *Whiteball, March* 23, 1609.

'WE being now in the Midſt of this Seaſon appointed for Penitence and Prayer, it hath ſo fallen out, that theſe two laſt Days have been ſpent in a far other Sort of Exerciſe, I mean in Euchariſtick Sacrifices, and Gratulation of Thanks preſented unto me by both the Parts of this Body of Parliament; and therefore to make up the Number of three, which is the Number of Trinity and Perfection, I have thought good to make this the third Day, to be ſpent in this Exerciſe.

'As ye made me a fair Preſent, indeed, in preſenting your Thanks and loving Duties unto me, ſo have I now called you here, to recompenſe you again with a great and a rare Preſent, which is a fair and a chryſtal Mirror; not ſuch a Mirror wherein you may ſee your own Faces, or Shadows, but ſuch a Mirror, or Chryſtal, as, through the Tranſparentneſs thereof, you may ſee the Heart of your King. The Philoſophers wiſh that every Man's Breaſt were a Chryſtal, through which his Heart might be ſeen, is vulgarly known; and I touched it in one of my former Speeches unto you: But tho' that were impoſſible in the general, yet will I now perform this for my Part, That as it is a true Axiom in Divinity, that *Cor Regis* is *in Manu Domini*, ſo will I now ſet *Cor Regis in Oculis Populi*. I know that I can ſay nothing at this Time, whereof ſome of you that are here have not, at one Time or other, heard me ſay the like already; yet as corporeal Food nouriſheth and maintaineth the Body, ſo doth *Reminiſcentia* nouriſh and maintain Memory.

'I will reduce to three general and main Grounds the principal Things that have been agitated in this Parliament, and whereof I will now ſpeak,

'*Firſt*, The Errand for which you were called by me; and that was, for ſupporting of my State and Neceſſities.

'The

'The *ſecond* is, That which the People are to move unto the King; to repreſent unto him ſuch Things whereby the Subjects are vexed, or wherein the State of the Commonwealth is to be redreſſed: And that is the Thing which you call Grievances. An. 7. James I. 1609. March.

'The *third* Ground that hath been handled amongſt you, and not only in Talk amongſt you in the Parliament, but even in many other People's Mouths, as well within as without the Parliament, is of a higher Nature than any of the former, tho' it be but an Incident; and the Reaſon is, becauſe it concerns a higher Point: And this is a Doubt, which hath been in the Heads of ſome, of my Intention in two Things.

'*Firſt*, Whether I was reſolved, in the general, to continue ſtill my Government according to the antient Form of this State, and the Laws of this Kingdom; or if I had an Intention not to limit myſelf within thoſe Bounds, but to alter the ſame when I thought convenient, by the abſolute Power of a King.

'The other Branch is anent the Common Law, which ſome had a Conceit I diſliked, and (in reſpect that I was born where another Form of Law was eſtabliſhed) that I would have wiſhed the Civil Law to have been put in Place of the Common Law, for Government of this People. And the Complaint made amongſt you of a Book written by Dr. *Cowell*, was a Part of the Occaſion of this Incident. But, as touching my Cenſure of that Book, I made it already to be delivered unto you by the Treaſurer here ſitting, which he did out of my own Directions and Notes; and what he ſaid in my Name, that had he directly from me. But what he ſpoke of himſelf therein without my Direction, I ſhall always make good, for you may be ſure I will be loath to make ſo honeſt a Man a Liar, or deceive your Expectations: Within very few Days my Edict ſhall come forth anent that Matter, which ſhall fully diſcover my Meaning.

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'There was never any Reaſon to move Men to 'think that I could like ſuch Grounds; for there are 'two Qualities principally, or rather Privations, that 'make Kings ſubject to Flattery, Credulity and Ig'norance; and I hope none of them can be juſtly 'objected to me: For if *Alexander* the Great, for all 'his Learning, had been wiſe, in that Point, to have 'conſidered the State of his own natural Body and 'Diſpoſition, he would never have thought himſelf 'a God. And now to the Matter: As it is a Chri'ſtian Duty in every Man, *reddere Rationem Fidei*, 'and not to be aſhamed to give an Account of his 'Profeſſion before Men and Angels, as oft as Oc'caſion ſhall require; ſo did I ever hold it a Neceſ'ſity of Honour, in a juſt and wiſe King, though not 'to give an Account to his People of his Actions, 'yet clearly to deliver his Heart and Intention unto 'them upon every Occaſion. But I muſt invert my 'Order, and begin firſt with that Incident which 'was laſt in my Diviſion, though higheſt of Nature, 'and ſo go backward.

'The State of Monarchy is the ſupremeſt Thing 'upon Earth; for Kings are not only God's Lieute'nants upon Earth, and ſit upon God's Throne, but 'even by God himſelf they are called Gods. There 'be three principal Similitudes that illuſtrate the 'State of Monarchy, one taken out of the Word of 'God, and the two other out of the Grounds of Po'licy and Philoſophy. In the Scriptures Kings are 'called Gods; and ſo their Power, after a certain 'Relation, compared to the Divine Power. Kings 'are alſo compared to Fathers of Families; for a 'King is truly *Parens Patriæ*, the politic Father of 'his People. And, laſtly, Kings are compared to 'the Head of this Microcoſm of the Body of Man.

'Kings are juſtly called Gods, for that they ex'erciſe a Manner or Reſemblance of Divine Power 'upon Earth: For if you will conſider the Attributes 'of God, you ſhall ſee how they agree in the Perſon 'of a King. God hath Power to create or deſtroy, 'make or unmake, at his Pleaſure; to give Life, or 'ſend Death; to judge all, and to be judged by or

'accounts-

'accountable to none; to raiſe low Things, and to make high Things low at his Pleaſure; and to God are both Soul and Body due: And the like Power have Kings; they make and unmake their Subjects; they have Power of raiſing and caſting down; of Life and of Death; Judges over all their Subjects, and in all Cauſes, and yet accountable to none but God only. They have Power to exalt low Things, and abaſe high Things, and make of their Subjects like Men at the Cheſs; a Pawn to take a Biſhop or a Knight, and to cry up or down any of their Subjects, as they do their Money; and to the King is due both the Affection of the Soul, and the Service of the Body of his Subjects: And therefore that Reverend Biſhop here amongſt you, though I hear that by divers he was miſtaken or not well underſtood; yet did he preach both learnedly and truly anent this Point, concerning the Power of a King; for what he ſpake of a King's Power in *Abſtracto*, is moſt true in Divinity: For to Emperors or Kings that are Monarchs, their Subjects Bodies and Goods are due for their Defence and Maintenance. But if I had been in his Place, I would only have added two Words, which would have cleared all; for after I had told, as a Divine, what was due by the Subjects to their Kings in general, I would then have concluded as an *Engliſhman*, ſhewing this People that as, in general, all Subjects were bound to releive their King, ſo to exhort them; that as we lived in a ſettled State of a Kingdom which was governed by its own Fundamental Laws and Orders, that, according thereunto, they were now (being aſſembled for this Purpoſe in Parliament) to conſider how to help ſuch a King as now they had; and that, according to the antient Form and Order eſtabliſhed in this Kingdom, putting a Difference between the general Power of a King in Divinity, and the ſettled and eſtabliſhed State of this Crown and Kingdom. And I am ſure that the Biſhop meant to have done the ſame, if he had not been ſtraitned by Time, which,

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in reſpect of the Greatneſs of the Preſence preaching before me, and ſuch an Auditory, he durſt not preſume upon.

'As for the Father of a Family, they had of old, under the Law of Nature, *Patriæ Poteſtatem*, which was *Poteſtatem Vitæ & Necis*, over their Children or Family; I mean ſuch Fathers of Families as were the lineal Heirs of thoſe Families whereof Kings did originally come: For Kings had their firſt Original from them, who planted and ſpread themſelves in Colonies thro' the World. Now a Father may diſpoſe of his Inheritance to his Children at his Pleaſure; yea, even diſinherit the Eldeſt upon juſt Occaſions, and prefer the Youngeſt according to his Liking; make them Beggars or rich at his Pleaſure; reſtrain or baniſh out of his Preſence as he finds them give Cauſe of Offence; or reſtore them in Favour again with the penitent Sinner. So may the King deal with his Subjects.

'And, *laſtly*, as for the Head of the natural Body, the Head hath the Power of directing all the Members of the Body to that Uſe which the Judgment in the Head thinks moſt convenient. It may apply ſharp Cures, or cut off corrupt Members, let Blood in what Proportion it thinks fit, and as the Body may ſpare; but yet is all this Power ordained by God, *ad Ædificationem, non ad Deſtructionem*. For although God have Power as well of Deſtruction, as of Creation or Maintenance; yet will it not agree with the Wiſdom of God to exerciſe his Power in the Deſtruction of Nature, and overturning the whole Frame of Things, ſince his Creatures were made, that his Glory might thereby be the better expreſſed: So were he a fooliſh Father that would diſinherit or deſtroy his Children without a Cauſe, or leave off the careful Education of them. And it were an idle Head that would, in place of Phyſic, ſo poiſon or phlebotomize the Body, as might breed a dangerous Diſtemper or Deſtruction thereof.

'But now, in theſe our Times, we are to diſtinguiſh between the State of Kings in their firſt Original,

'ginal, and between the State of ſettled Kings and 'Monarchs, that do at this Time govern in civil 'Kingdoms: For even as God, during the Time of 'the Old Teſtament, ſpake by Oracles, and wrought 'by Miracles; yet how ſoon it pleaſed him to ſettle 'a Church, which was bought and redeemed by the 'Blood of his only Son Chriſt, then was there a 'Ceſſation of both; he ever after governing his 'People and Church within the Limits of his re-'vealed Will. So in the firſt Original of Kings, 'whereof ſome had their Beginning by Conqueſt, 'and ſome by Election of the People, their Wills at 'that Time ſerved for Law; yet how ſoon King-'doms began to be ſettled in Civility and Policy, 'then did Kings ſet down their Minds by Laws, 'which are properly made by the King only; but, 'at the Rogation of the People, the King's Grant 'being obtained thereunto. And ſo the King became 'to be *Lex loquens*, after a Sort, binding himſelf by 'a double Oath to the Obſervation of the Funda-'mental Laws of his Kingdom; tacitly, as by being 'a King, and ſo bound to protect as well the People, 'as the Laws of his Kingdom; and expreſly, by his 'Oath at his Coronation: So as every juſt King, in 'a ſettled Kingdom, is bound to obſerve that Pac-'tion made to his People by his Laws, in framing 'his Government agreeable thereunto, according to 'that Paction which God made with *Noah* after the 'Deluge, *Hereafter Seed-Time and Harveſt, Cold 'and Heat, Summer and Winter, and Day and Night, 'ſhall not ceaſe ſo long as the Earth remains.* And 'therefore a King, governing in a ſettled Kingdom, 'leaves to be a King, and degenerates into a Ty-'rant, as ſoon as he leaves off to rule according to 'his Laws. In which Caſe the King's Conſcience 'may ſpeak unto him as the poor Widow ſaid to '*Philip* of *Macedon*, *Either govern according to your 'Law, aut ne Rex ſis.* And tho' no Chriſtian Man 'ought to allow any Rebellion of People againſt 'their Prince, yet doth God never leave Kings un-'puniſhed when they tranſgreſs theſe Limits: For 'in that ſame Pſalm where God ſaith to Kings, *Vos*

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'*Dii*

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'*Dii eſtis*, he immediately thereafter concludes, *But* '*ye ſhall die like Men.* The higher we are placed 'the greater ſhall our Fall be. *Ut Caſus ſic Dolor.* 'The taller the Trees be, the more in Danger of the 'Wind; and the Tempeſt beats foreſt upon the 'higheſt Mountains. Therefore all Kings that are 'not Tyrants, or perjured, will be glad to bound 'themſelves within the Limits of their Laws; and 'they that perſuade them to the contrary are Vipers 'and Peſts, both againſt them and the Common-'wealth. For it is a great Difference between a 'King's Government in a ſettled State, and what 'Kings in their original Power might do in *Indivi-'duo vago*. As for my Part, I thank God I have 'ever given good Proof that I never had Intention to 'the contrary; and I am ſure to go to my Grave 'with that Reputation and Comfort, That never 'King was, in all his Time, more careful to have 'his Laws duly obſerved, and himſelf to govern 'thereafter, than I.

'I conclude then this Point touching the Power 'of Kings, with this Axiom of Divinity, That as to 'diſpute what God may do, is Blaſphemy; but *quid* '*vult Deus*, that Divines may lawfully, and do or-'dinarily, diſpute and diſcuſs; for to diſpute *a poſſe ad* '*eſſe*, is both againſt Logic and Divinity: So is 'it Sedition in Subjects to diſpute what a King may 'do in the Height of his Power; but juſt Kings will 'ever be willing to declare what they will do, if 'they will not incur the Curſe of God. I will not 'be content that my Power be diſputed upon; but I 'ſhall ever be willing to make the Reaſon appear of 'all my Doings, and rule my Actions according to 'my Laws.

'The other Branch of this Incident is concerning 'the Common Law, being conceived by ſome that 'I contemned it, and preferred the Civil Law there-'unto. As I have already ſaid, Kings Actions, even 'in the ſecreteſt Places, are as the Actions of thoſe 'that are ſet upon the Stages, or on the Tops of 'Houſes: And I hope never to ſpeak that in 'private which I ſhall not avow in Public, and print

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'it, if Need be, as I ſaid in my *Baſilicon Doron*. For An. 7. James I. 1609. March.
'it is true, that within theſe few Days I ſpoke freely
'my Mind touching the Common Law in my Privy
'Chamber, at the Time of my Dinner, which is
'come to all your Ears; and the ſame was likewiſe
'related unto you by my Treaſurer: And now I
'will again repeat and confirm the ſame myſelf unto
'you: *Firſt*, as a King, I have leaſt Cauſe of any
'Man to diſlike the Common Law; for no Law
'can be more favourable and advantageous for a
'King, and extendeth further his Prerogative than it
'doth. And for a King of *England* to deſpiſe the
'Common Law, it is to neglect his own Crown. It
'is true, that I do greatly eſteem the Civil Law, the
'Profeſſion thereof ſerving more for general Learn-
'ing, and being moſt neceſſary for Matters of Treaty
'with all foreign Nations; and I think that if it
'ſhould be taken away, it would make an Entry to
'Barbariſm in this Kingdom, and would blemiſh the
'Honour of *England*: For it is in a Manner *Lex*
'*Gentium*, and maintaineth Intercourſe with all fo-
'reign Nations. But I only allow it to have Courſe
'here, according to thoſe Limits of Juriſdiction,
'which the Common Law itſelf doth allow it. And
'therefore, tho' it be not fit for the general Govern-
'ment of the People here, it doth not follow it
'ſhould be extinct, no more than becauſe the *Latin*
'Tongue is not the Mother or Radical Language of
'any Nation in the World at this Time, that there-
'fore the *Engliſh* Tongue ſhould only now be
'learned in this Kingdom; which were to bring in
'Barbariſm. My Meaning therefore is not to pre-
'fer the Civil Law before the Common Law, but
'only that it ſhould not be extinguiſhed, and yet ſo
'bounded, (I mean to ſuch Courts and Cauſes) as
'have been in antient Uſe; as the Eccleſiaſtical
'Courts, Court of Admiralty, Court of Requeſts,
'and ſuch like; reſerving ever to the Common Law
'to meddle with the Fundamental Laws of this
'Kingdom, either concerning the King's Preroga-
'tive, or the Poſſeſſions of Subjects, in any Que-
'ſtions, either between the King, and any of them,

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‘ or amongſt themſelves, in the Points of *meum & tuum*. For it is true, that there is no Kingdom ‘ in the World, not only *Scotland*, but not *France*, ‘ nor *Spain*, nor any other Kingdom governed merely ‘ by the Civil Law; but every one of them hath ‘ their own Municipal Laws agreeable to their Cuſtoms, as this Kingdom hath the Common Law. ‘ Nay, I am ſo far from diſallowing the Common ‘ Law, as I proteſt that, if it were in my Hand to ‘ chuſe a new Law for this Kingdom, I would not ‘ only prefer it before any other National Law, but ‘ even before the very Judicial Law of *Moſes*. And ‘ yet I ſpeak no Blaſphemy in preferring it for Conveniency to this Kingdom, and, at this Time, to ‘ the very Law of God: For God governed his ſelected People by theſe three Laws, Ceremonial, ‘ Moral, and Judicial. The Judicial being only fit ‘ for a certain People and a certain Time, which ‘ could not ſerve for the general of all other People ‘ and Times. As for Example, If the Law of ‘ Hanging for Theft was turned here to Reſtitution ‘ of Treble or Quadruple, as it was in the Law of ‘ *Moſes*, what would become of all the middle Shires, ‘ and all the *Iriſh* and *Highlanders?* But the main ‘ Point is, That if the Fundamental Laws of any ‘ Kingdom ſhould be altered, who ſhould diſcern ‘ what is *meum & tuum*, or how ſhould a King govern? It would be like the *Gregorian* Calendar, ‘ which deſtroys the old; and yet doth this new- ‘ trouble all the Debts and Accounts of Trafficks ‘ and Merchandizes. Nay, by that Account, I can ‘ never tell mine own Age; for now is my Birth-day ‘ removed, by the Space of ten Days, nearer me ‘ than it was before the Change. But upon the other ‘ Part, tho' I have in one Point preferred our Common Law, concerning our Uſe, to the very Law ‘ of God; yet, in another Reſpect, I muſt ſay, both ‘ our Law, and all Laws elſe, are far inferior to that ‘ Judicial Law of God: For no Book nor Law is ‘ perfect, nor free from Corruption, except only the ‘ Book and Law of God. And therefore I could ‘ wiſh ſome three Things ſpecially to be purged and

‘ cleared

cleared in the Common Law; but always by the Advice of Parliament: For the King with his Parliament here are abſolute, as I underſtand, in making or forming of any Sort of Laws. An 7 James I. 1609. March.

'*Firſt*, I could wiſh it were written in our vulgar 'Language; for now it is in an old, mixt, and cor-'rupt Language, only underſtood by Lawyers: 'Whereas every Subject ought to underſtand the 'Law under which he lives; for ſince it is our Plea 'againſt the Papiſts, that the Language in God's 'Service ought not to be in an unknown Tongue, 'according to the Rule in the Law of *Moſes*, That 'the Law ſhould be written in the Fringes of the 'Prieſt's Garment, and ſhould be publickly read in 'the Ears of all the People; ſo methinks ought our 'Law to be made as plain as can be to the People, 'that the Excuſe of Ignorance may be taken from 'them, for conforming themſelves thereunto.

'*Next*, Our Common Law hath not a ſettled 'Text in all Caſes, being chiefly grounded either 'upon old Cuſtoms, or elſe upon the Reports and 'Caſes of Judges, which ye call *Reſponſa Prudentum*. 'The like whereof is in all other Laws, for they are 'much ruled by Precedents, ſave only in *Denmark* 'and *Norway*, where the Letter of the Law reſolves 'all Doubts, without any Trouble to the Judge. 'But tho' it be true, That no Text of Law can be ſo 'certain, wherein the Circumſtances will not make 'a Variation in the Caſe; for in this Age Men's 'Wits increaſe ſo much by Civility, that the Cir-'cumſtances of every particular Caſe varies ſo much 'from the general Text of Law, as in the Civil 'Law itſelf, there are therefore ſo many Doctors 'that comment upon the Text, and never-a-one al-'moſt agrees with another; otherwiſe there needed 'no Judges, but the bare Letter of the Law. Yet could 'I wiſh that ſome more Certainty were ſet down in 'this Caſe by Parliament; for ſince the very Re-'ports themſelves are not always ſo binding but 'that divers Times Judges do diſclaim them, and 'recede from the Judgment of their Predeceſſors, it 'were good that, upon a mature Deliberation, the

An. 7. James I. 1609. March. ‘ Expoſition of the Law were ſet down by Act of ‘ Parliament, and ſuch Reports therein confirmed, ‘ as were thought fit to ſerve for Law in all Times ‘ hereafter; and ſo the People ſhould not depend up- ‘ on the bare Opinions of Judges, and uncertain ‘ Reports.

‘ And, *laſtly*, There be in the Common Law di- ‘ vers contrary Reports and Precedents; and this ‘ Corruption doth likewiſe concern the Statutes and ‘ Acts of Parliament, in reſpect there are divers croſs ‘ and cuffing Statutes, and ſome ſo penned, as they ‘ may be taken in divers, yea contrary, Senſes. ‘ And therefore would I wiſh both thoſe Statutes and ‘ Reports, as well in the Parliament as Common ‘ Law, to be once maturely reviewed and reconci- ‘ led; and that not only all Contrarieties ſhould be ‘ ſcraped out of our Books, but even that ſuch penal ‘ Statutes as were made but for the Uſe of the Time, ‘ (from Breach whereof no Man can be free) ‘ which do not now agree with the Condition of ‘ this our Time, might likewiſe be left out of our ‘ Books; which, under a tyrannous or avaritious ‘ King, could not be endured. And this Reforma- ‘ tion might, methinks, be made a worthy Work, ‘ and well deſerves a Parliament to be ſet of purpoſe ‘ for it.

‘ I know now, that being upon this Point of the ‘ Common Law, you look to hear my Opinion con- ‘ cerning Prohibitions; and I am not ignorant that I ‘ have been thought to be an Enemy to all Prohibi- ‘ tions, and an utter Stayer of them: But I will ſhortly ‘ now inform you what hath been my Courſe in pro- ‘ ceeding therein. It is true, that, in reſpect of di- ‘ vers honourable Courts and Juriſdictions planted ‘ in this Kingdom, I have often wiſhed that every ‘ Court had his own true Limit and Juriſdiction ‘ clearly ſet down, and certainly known; which if it ‘ be exceeded by any of them, or that any of them ‘ encroach one upon another, then I grant that a ‘ Prohibition in that Caſe is to go out of the King's ‘ Bench, but chiefliеſt out of the Chancery; for ‘ other Benches, I am not yet ſo well reſolved of

‘ their

'their Jurisdiction in that Point. And, for my Part, An. 7. James I. 1609. March.
'I was never againſt Prohibitions of this Nature, nor
'the true Uſe of them; which is, indeed, to keep
'every River within his own Banks and Channels.
'But when I ſaw the Swelling and Overflowing of
'Prohibitions, in a far greater Abundance than ever
'before, every Court ſtriving to bring in moſt Moul-
'ter to their own Mill, by Multitudes of Cauſes,
'which is a Diſeaſe very natural to all Courts and
'Juriſdictions in the World. Then dealt I with
'this Cauſe, and that at two ſeveral Times, once in
'the Midſt of Winter, and again in the Midſt of
'the next following Summer; at every of which
'Times I ſpent three whole Days in that Labour,
'and then, after a large Hearing, I told them, as
'Chriſt ſaid concerning Marriage, *ab Initio non fuit*
'*ſic*: For as God contains the Sea within his own
'Bounds and Marches, (as it is in the *Pſalms*) ſo it
'is my Office to make every Court contain himſelf
'within his own Limits; and therefore I gave Ad-
'monitions to both Sides: To the other Courts,
'that they ſhould be careful hereafter every of them
'to contain themſelves within the Bounds of their
'own Juriſdictions; and to the Courts of Common
'Law, that they ſhould not be ſo forward and pro-
'digal in multiplying their Prohibitions. Two Cau-
'tions I willed them to obſerve, in granting their
'Prohibitions: Firſt, That they ſhould be granted
'in a right and lawful Form; and next, That they
'ſhould not grant them but upon a juſt and reaſon-
'able Cauſe. As to the Form, it was, That none
'ſhould be granted by any one particular Judge, or
'in Time of Vacation, or in any other Place, but
'openly in Court. And to this the Judges themſelves
'gave their willing Aſſent: And as to the Cauſe,
'That they ſhould not be granted upon every ſlight
'Surmiſe, or Information of the Party; but always
'that a due and grave Examination ſhould firſt pre-
'cede; otherwiſe, if Prohibitions ſhould raſhly and
'headily be granted, then no Man is the more ſe-
'cure of his own, though he hath gotten a Sentence
'with him; for as good have no Law, or Sentence,

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'as to have no Execution thereof. A poor Miniſter, 'with much Labour and Expence, having exhauſted 'his poor Means, and being forced to forbear his 'Study, and to become non-reſident from his Flock, 'obtains a Sentence; and then, when he looks to en- 'joy the Fruits thereof, he is defrauded of all by a 'Prohibition, acccording to the Parable of Chriſt, '*That Night, when he thinks himſelf moſt happy, ſhall 'his Soul be taken from him.* And ſo is he tortured 'like *Tantalus*; who, when he hath the Apple at his 'Mouth, and that he is gaping and opening his 'Mouth to receive it, then muſt it be pulled from 'him by a Prohibition, and he not ſuffered to taſte 'thereof. So as, to conclude this Point, I put a 'Difference between the true Uſe of Prohibitions, 'and the ſuperabounding Abuſe thereof; for as a 'Thing, which is good, ought not therefore be abu- 'ſed; ſo ought not the lawful Uſe of a good Thing 'be forborne, becauſe of the Abuſe thereof.

'Now, the ſecond general Ground whereof I am 'to ſpeak, concerns the Matter of Grievances: 'There are two ſpecial Cauſes of the People's 'preſenting Grievances to their King in Time of 'Parliament: *Firſt*, For that the King cannot at 'other Times be ſo well informed of all the Grie- 'vances of his People as in Time of Parliament, 'which is the Repreſentative Body of the whole 'Realm. *Secondly*, The Parliament is the higheſt 'Court of Juſtice, and therefore the fitteſt Place 'where divers Natures of Grievances may have their 'proper Remedy, by the Eſtabliſhment of good and 'wholeſome Laws. But though my Speech was be- 'fore directed to the whole Body of Parliament, yet, 'in this Caſe I muſt addreſs my Speech in ſpecial to 'you of the Lower Houſe.

'I am now then to recommend unto your Con- 'ſiderations the Matter and Manner of your hand- 'ling and preſenting of Grievances. As for the 'Manner, tho' I will not deny but that ye, repre- 'ſenting the Body of the People, may, as it were, 'both *importune* and *inopportune*; I mean either in 'Parliament as a Body, or out of Parliament as pri-

'vate

'vate Men, preſent your Grievances unto me; yet An. 7. James I. 1609. March.
'would I have you to uſe this Caution in your Be-
'haviour in this Point, which is, that your Grie-
'vances be not, as it were, greedily ſought out by
'you, or taken up in the Streets, (as one ſaid) there-
'by to ſhew a Willingneſs that you would have a
'Shew made, that there are many Abuſes in the
'Government, and many Cauſes of Complaint; but
'that, according to your firſt Inſtitution, ye ſhould
'only meddle with ſuch Grievances, as yourſelves
'do know had Need of Reformation, or had Infor-
'mations thereof in your Countries for which you
'ſerve, and not ſo to multiply them as might make
'it noiſed among the People, that all Things in
'the Government were amiſs and out of Frame:
'For, even at the Beginning of this very Seſſion of
'Parliament, the general Name of Grievances being
'mentioned among you, ſuch a Conceit came in the
'Heads of many, that you had a Deſire to multiply
'and make a great Muſter of them, as every one ex-
'bited what his particular Spleen ſtirred him unto.
'Indeed there fell out an Accident upon this Occa-
'ſion, for which I have Reaſon to thank you of the
'Lower Houſe, I mean for your Fire-Work, where-
'in I confeſs you did Honour to me, and Right to
'yourſelves: For having one Afternoon found many
'Grievances cloſely preſented in Papers, and ſo all
'thruſt up in a Sack together (rather like Paſquils
'than any lawful Complaints) far againſt your own
'Orders, and divers of them proceeding from grudge-
'ing and murmuring Spirits; you, upon the hear-
'ing read two or three of the firſt Lines of divers
'of them, were not content with a public Conſent
'to condemn them, and to diſcharge any further
'reading of them, but you alſo made a public Bon-
'fire of them: In this, I ſay, you ſhewed your Care
'and Jealouſy of my Honour, and I ſent you Thanks
'for it by the Chancellor of the Exchequer, a Mem-
'ber of your own Houſe; who, by your Appoint-
'ment, that ſame Night acquainted me with your
'Proceedings; and, by him alſo, I promiſed at that

'Time

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'Time that you ſhould hear more of my Thanks for 'the ſame at the firſt Occaſion; and now I tell you 'it myſelf, that you may know how kindly I take 'your dutiful Behaviour in this Caſe: But ſince this 'was a good Effect of an evil Cauſe, I muſt not omit 'alſo to admoniſh you upon the other Part, to take 'a Courſe amongſt yourſelves, to prevent the like 'Accident in all Times hereafter, otherwiſe the 'Lower Houſe may become a Place for Paſquils; 'and, at another Time, ſuch Grievances may be 'caſt in amongſt you, as may contain Treaſon or 'Scandal againſt me, or my Poſterity: Therefore, 'in this Caſe, look over your antient Orders, and fol-'low them, and ſuffer not hereafter any Petitions or 'Grievances to be delivered obſcurely, or in the 'Dark; but openly and avowedly in your public 'Houſe, and there to be preſented to the Speaker.

'And as to the Matter of your Grievances, I wiſh 'you here now to underſtand me rightly: And be-'cauſe I ſee many writing and noting, I will crave 'your Pardons to hold you a little longer, by ſpeak-'ing the more diſtinctly, for fear of miſtaking.

'*Firſt*, Then, I am not to find Fault that you inform 'yourſelves of the particular juſt Grievances of the 'People; nay, I muſt tell you, ye can neither be 'juſt nor faithful to me, or to your Countries that 'truſt and employ you, if you do it not; for true 'Plaints proceed not from the Perſons employed, but 'from the Body repreſented, which is the People. 'And it may very well be, that many Directions and 'Commiſſions juſtly given forth by me, may be abu-'ſed in the Execution thereof upon the People; 'and yet I never to receive Information, except it 'comes by your Means, at ſuch a Time as this is, as 'in the Caſe of *Stephen Procter*. But I would wiſh 'you to be careful to avoid three Things in the Mat-'ter of Grievances.

'*Firſt*, That you do not meddle with the main 'Points of Government; that is my Craft, *tractent 'Fabrilia Fabri*; to meddle with that, were to leſ-'ſon me: I am now an old King; for thirty-ſix Years

'have

'have I governed in *Scotland* perſonally, and now 'have I accompliſhed my Apprenticeſhip of ſeven 'Years here; and ſeven Years is a great Time for 'a King's Experience in Government: Therefore 'there ſhould not be too many *Phormios* to teach '*Hannibal:* I muſt not be taught myOffice. An. 7. Jamesi. 1609. March.

'*Secondly*, I would not have you meddle with ſuch 'antient Rights of mine as I have received from 'my Predeceſſors, poſſeſſing them *More Majorum*; 'ſuch Things I would be ſorry ſhould be accounted 'for Grievances. All Novelties are dangerous, as well 'in a politic as in a natural Body: And, therefore, 'I would be loath to be quarrelled in my antient 'Rights and Poſſeſſions; for that were to judge me 'unworthy of that which my Predeceſſors had, and 'left me.

'And, *laſtly*, I pray you beware to exhibit for 'Grievance any Thing that is eſtabliſhed by a ſet-'tled Law, and whereunto, as you have already 'had a Proof, you know I will never give a plauſible 'Anſwer; for it is an undutiful Part in Subjects to 'preſs their King, wherein they know before-hand 'he will refuſe them. Now, if any Law or Statute 'be not convenient, let it be amended by Parlia-'ment; but, in the mean Time, term it not a Grie-'vance; for to be grieved with the Law, is to be 'grieved with the King, who is ſworn to be the Pa-'tron and Maintainer thereof. But as all Men are 'Fleſh, and may err in the Execution of Laws; ſo 'may ye juſtly make a Grievance of any Abuſe of 'the Law, diſtinguiſhing wiſely between the Faults 'of the Perſon, and the Thing itſelf: As for Ex-'ample, Complaints may be made unto you of the 'High Commiſſioners; if ſo be, try the Abuſe, 'and ſpare not to complain upon it; but ſay not there 'ſhall be no Commiſſion, for that were to abridge 'the Power that is in me: And I will plainly tell 'you, that ſomething I have with myſelf reſolved 'anent that Point, which I mean ever to keep, ex-'cept I ſee other great Cauſe, which is, That in re-'gard the High Commiſſion is of ſo high a Nature, 'from which there is no Appellation to any other

'Court,

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'Court, I have thought good to reſtrain it only to 'the two Archbiſhops, where before it was com- 'mon amongſt a great Part of the Biſhops in *Eng- 'land*. This Law I have ſet to myſelf, and there- 'fore you may be aſſured, that I will never find 'Fault with any Man, nor think him the more 'puritan that will complain to me out of Parliament, 'as well as in Parliament, of any Error in Execution 'thereof, ſo that he prove it; otherwiſe it were but 'a Calumny. Only I would be loath that any Man 'ſhould grieve at the Commiſſion itſelf, as I have 'already ſaid. Ye have heard, I am ſure, of the 'Pains I took both in the Cauſes of the Admiralty, 'and of the Prohibitions: If any Man, therefore, 'will bring me any juſt Complaints upon any Mat- 'ters of ſo high a Nature as this is, ye may aſſure 'yourſelves that I will not ſpare my Labour in hear- 'ing it. In Faith, you never had a more painful 'King, or that will be readier in his Perſon to de- 'termine Cauſes that are fit for his Hearing. And 'whenever any of you ſhall make Experience of me 'in this Point, ye may be ſure never to want Acceſs, 'nor ye ſhall never come wrong to me in or out of 'Parliament.

'And now, to conclude this Purpoſe of Grievan- 'ces, I have one general Grievance to commend 'unto you, and that in the Behalf of the Countries 'from whence ye come: And this is to pray you to 'beware that your Grievances favour not of parti- 'cular Men's Thoughts, but of the general Griefs 'riſing out of the Minds of the People, and not out 'of the Humour of the Propounder. And, there- 'fore, I would wiſh you to take Heed carefully, and 'conſider of the Party that propounds the Grievance: 'For ye may, if ye liſt, eaſily diſcern whether it be 'his own Paſſion or the People's Grief that makes 'him to ſpeak; for many a Man will, in your 'Houſe, propound a Grievance out of his own Hu- 'mour, becauſe (peradventure) he accounts highly 'of that Matter; and yet, the Country that em- 'ploys him, may perhaps either be of a contrary 'Mind, or, at leaſt, little care for it: As, for Ex- 'ample,

'ample, I assure you, I can very well smell between a Petition that moves from a general Grievance, or such a one as comes from the Spleen of some particular Person, either against Ecclesiastical Government in general, or the Person of any one Nobleman or Commissioner in particular. An. 7. James I. 1609. March,

'And now the third Point remains to be spoken 'of, which is the Cause of my calling of this Parliament. And in this I have done but as I used to do 'in all my Life; which is, to leave mine own Errand 'hindmost.

'It may be you did wonder that I did not speak 'unto you publickly at the Beginning of this Session 'of Parliament, to tell you the Cause of your Calling, 'as I did, if I be rightly remembered, in every Session 'before. But the Truth is, that because I call you 'at this Time for my particular Errand, I thought 'it fitter to be opened unto you by my Treasurer, 'who is my public and most principal Officer in 'Matters of that Nature, than that I should do it my-'self; for I confess I am less naturally eloquent, and 'have greater Cause to distrust mine Elocution in 'Matters of this Nature, than in any other Thing. 'I have made my Treasurer already to give you a 'very clear and true Account both of my Having 'and Expences: A Favour, I confess, that Kings 'do seldom bestow upon their Subjects, in making 'them so particularly acquainted with their State. If 'I had not more than Cause, you may be sure I 'would be loath to trouble you; but what he hath 'affirmed in this, upon the Honour of a Gentleman, '(whom you never had Cause to distrust for his Ho-'nesty) that do I now confirm and avow to be true 'on the Word and Honour of a King; and therein 'you are bound to believe me. Duty I may justly 'claim of you as my Subjects; and one of the 'Branches of Duty, which Subjects owe to their 'Sovereign, is Supply: But in what Quantity, and 'at what Time, that must come of your Loves. I 'am not now therefore to dispute of a King's Power, 'but to tell you what I may justly crave, and expect

'with

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'with your good Wills. I was ever againſt all Extremes, and in this Caſe I will likewiſe wiſh you to 'avoid them on both Sides; for if you fail in the 'one, I might have great Cauſe to blame you, as 'Parliament Men, being called by me for my Errands: And if you fall into the other Extreme, by 'Supply of my Neceſſities, without reſpective Care 'to avoid Oppreſſion, or Partiality in the Levy, both 'I and the Country will have Cauſe to blame you.

'When I think upon the Compoſition of this 'Body of Parliament, I do well conſider that the 'Upper Houſe is compoſed of the Secular Nobility, 'who are hereditary Lords of Parliament; and of 'Biſhops, that are Live-renter Barons of the ſame: 'And therefore, what is given by the Upper Houſe, 'is given only from the true Body of that Houſe, and 'out of their own Purſes that do give it; whereas 'the Lower Houſe is but the Repreſentative Body 'of the Commons, and ſo what you give, you give 'it as well for others as for yourſelves; and therefore you have the more Reaſon to eſchew both the 'Extremes. On the one Part, you may the more 'eaſily be liberal, ſince it comes not all from yourſelves; and yet, upon the other Part, if ye give 'more than is fit for good and loving Subjects to 'yield upon ſuch neceſſary Occaſions, ye abuſe the 'King, and hurt the People. And ſuch a Gift I 'will never accept; for, in ſuch a Caſe, you might 'deceive a King, in giving your flattering Conſent 'to that which you know might move the People 'generally to grudge and murmur at it, and ſo 'ſhould the King find himſelf deceived in his Calcule, and the People likewiſe grieved in their 'Hearts; the Love and Poſſeſſion of which, I proteſt, I did, and ever will, account the greateſt 'earthly Security (next the Favour of God) to any 'wiſe or juſt King. For tho' it was vainly ſaid by 'one of your Houſe, That ye had need to beware, 'that by giving me too much, your Throats were 'not in Danger of cutting at your coming home; 'yet may ye aſſure yourſelves, that I will ever be 'loath

'loath to press you to do that which may wrong the People, and make you justly to bear the Blame thereof. But that ye may the better be acquainted with my Inclination, I will appeal to a Number of my Privy Council here present, if that, before the Calling of this Parliament, and when I found that the Necessity of my Estate required so great a Supply, they found me more desirous to obtain that which I was forced to seek, than careful that the People might yield me a Supply in so great a Measure as my Necessities required, without their too great Loss. And you all that are Parliament Men, and here present of both Houses, can bear me Witness, if ever I burdened or employed any of you for any particular Subsidies, or Sums by Name, further than my laying open the particular Necessities of my State, or yet if ever I spake to any Privy Counsellor, or any of my learned Counsel, to labour Voices for me to this End; I ever detested the hunting for *Emendicata Suffragia*. A King that will rule and govern justly, must have Regard to Conscience, Honour, and Judgment, in all his great Actions, as yourself, Mr. Speaker, remembered the other Day. And therefore ye may assure yourselves, that I ever limit all my great Actions within that Compass. But as, upon the one Side, I do not desire you should yield to that Extreme, in giving me more than, as I said formerly, upon such necessary Occasions, are fit for good and loving Subjects to yield; for that were to give me a Purse with a Knife: So, on the other Side, I hope you will not make vain Pretences of Wants, out of causeless Apprehensions, or idle Excuses, neither cloak your own Humours, when yourselves are unwilling, by alledging the Poverty of the People. For although I will be no less just, as a King, to such Persons, than any other, for my Justice, with God's Grace, shall be alike open to all; yet, ye must think, I have no Reason to thank them, or gratify them with any Suits or Matters of Grace, when their Errand shall come in my Way. And yet no Man

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'can

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'can ſay that ever I quarrelled any Man for re-
'fuſing me a Subſidy, if he did it in a moderate
'Faſhion, and with good Reaſons. For him that
'denies a good Law I will not ſpare to quarrel; but
'for granting or denying Money, it is but an Effect
'of Love: And therefore, for the Point of my Ne-
'ceſſities, I only deſire that I be not refuſed in that
'which of Duty I ought to have. For I know, if
'it were propounded in the general amongſt you,
'whether the King's Wants ought to be relived or
'not? There is not one of you that would make
'Queſtion of it. And tho', in a Sort, this may ſeem
'to be my Particular, yet it cannot be divided from
'the general Good of the Commonwealth; for the
'King, that is *Parens Patriæ*, tells you of his
'Wants. Nay, *Patria ipſa* by him ſpeaks unto you.
'For if the King wants, the State wants, and there-
'fore the ſtrengthening of the King is the Preſerva-
'tion and the Standing of the State: And woe be to
'him that divides the Weal of the King from the
'Weal of the Kingdom. And as that King is mi-
'ſerable, how rich ſoever he be, that reigns over a
'poor People, for the Hearts and Riches of the
'People are the King's greateſt Treaſure; ſo is that
'Kingdom not able to ſubſiſt, how rich and potent
'ſoever the People be, if their King wants Means
'to maintain his State; for the Means of your King
'are the Sinues of the Kingdom, both in War and
'Peace: For in Peace I muſt miniſter Juſtice unto
'you, and in War I muſt defend you by Arms; but
'neither of theſe can I do without ſufficient Means,
'which muſt come from your Aid and Supply. I
'confeſs it is far againſt my Nature to be burden-
'ſome to my People; for it cannot but grieve me to
'crave of others, that was born to be begged of. It
'is true, I crave more than ever King of *England*
'did; but I have far greater and juſter Cauſe and
'Reaſon to crave than ever King of *England* had.
'And though my Treaſurer hath at length declared
'the Reaſons unto you of my Neceſſities, and of a
'large Supply that he craved for the ſame, where-
'in he omitted no Arguments that can be uſed for

'that

'that Purpoſe; yet will I myſelf now ſhortly re- An. 7. James I. 1609.
'member you of ſome of the weightieſt Reaſons that March
'come in my Head, to prove the Equity of my De-
'mand.

'*Firſt*, Ye all know that, by the Acceſſion of 'more Crowns, which in my Perſon I have brought 'unto you, my Charge muſt be the greater in all 'Reaſon; for the greater your King be, both in his 'Dominions and Number of Subjects, he cannot but 'be forced thereby to be at the more Charge, and 'it is the more your Honour ſo to have it.

'*Next*, That Poſterity and Iſſue which it hath 'pleaſed God to ſend me for your Uſe, cannot but 'bring neceſſarily with it a greater Proportion of 'Charge. You all know that the late Queen, of 'famous Memory, notwithſtanding her Orbit, had 'much given to her, and more than ever any of her 'Predeceſſors had before her.

'*Thirdly*, The Time of Creation of my Son doth 'now draw near, which I chuſe, for the greater Ho-'nour, to be done in this Time of Parliament. As 'for him I ſay no more; the Sight of himſelf here 'ſpeaks for him.

'*Fourthly*, It is true, I have ſpent much; but yet 'if I had ſpared any of thoſe Things, which cauſed 'a great Part of my Expence, I ſhould have diſho-'noured the Kingdom, myſelf, and the late Queen. 'Should I have ſpared the Funeral of the late Queen, 'or the Solemnity of mine and my Wife's Entry in-'to this Kingdom, in ſome honourable Sort? Or 'ſhould I have ſpared our Entry into *London*, or our 'Coronation? And when moſt of the Monarchs and 'great Princes in Chriſtendom ſent their Ambaſſa-'dors to congratulate my coming hither, and ſome 'of them came in Perſon, was I not bound, both for 'my own Honour and the Honour of the Kingdom, 'to give them good Entertainment? But in caſe it 'might be objected by ſome, that it is only upon 'Occaſions of War that Kings obtain great Supplies 'from their Subjects: Notwithſtanding my intern 'Peace, I am yet in a kind of War, which, if it b 'without, the more is your Safety; for, as the Tree

'grows

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'furer told you at large, I am now forced, both in 'reſpect of State and my Promiſe, and for the gene-'ral Cauſe of Religion, to ſend a Supply of Forces 'to *Cleves*; and how long that Occaſion may laſt, 'or what greater Supply the Neceſſity of that Errand 'may draw me unto, no Man can yet tell. Beſides 'that, altho' I have put down that Form of Warlike 'keeping of *Berwick*, yet are all thoſe Commanders 'my Penſioners that were the late Queen's Soldiers. 'And I hope I ſuſtain a pretty Seminary of Soldiers 'in my Forts within this Kingdom, beſides the two 'cautionary Towns in the Low Countries, *Fluſhing* 'and *Brill*. And as for *Ireland*, ye all know how 'uncertain my Charges are ever there, that People 'being ſo eaſily ſtirred, (partly thro' their Barbarity 'and Want of Civility, and partly thro' their Corrup-'tion in Religion, to break forth in Rebellions. Ye 'know how unlook'd-for a Rebellion broke forth 'there the laſt Year, which could not but put me to 'extraordinary Charges. Beſides, I do maintain 'there continually an Army, which is a goodly Se-'minary of expert and old Soldiers; and I dare ne-'ver ſuffer the ſame to be diminiſhed, till this Planta-'tion take Effect; which, no doubt, is the greateſt 'Mote that ever came in the Rebels Eyes. And it 'is to be looked for, that if ever they will be able to 'make any Stir, they will preſs at it by all Means, 'for preventing and diſcouraging this Plantation. 'Now it is true that, beſides all theſe honourable 'and neceſſary Occaſions of my Charge, I have ſpent 'much in Liberality: But yet, I hope you will con-'ſider, that what I have given hath been given 'amongſt you; and ſo what comes in from you, 'goes out again amongſt you. But it may be thought 'that I have given much among *Scotſmen*: Indeed, 'if I had not been liberal in rewarding ſome of my 'old Servants of that Nation, ye could never have 'had Reaſon to expect my Thankfulneſs towards 'any of you that are more lately become my Sub-'jects, if I had been ingrate to the old: And yet, 'ye will find, that I have dealt twice as much 'amongſt *Engliſhmen* as I have done to *Scotſmen*.

'And,

'And, therefore, he that in your Houſe was not 'aſhamed to affirm, that the Silver and Gold did ſo 'abound in *Edinburgh*, was very far miſtaken; but 'I wiſh him no worſe Puniſhment, than that he 'ſhould only live on ſuch Profit of the Money there. 'But I hope you will never miſlike me for my Libe- 'rality, ſince I can look very few of you this Day in 'the Face, that have not made Suits to me, at leaſt 'for ſomething, either of Honour or Profit. It is 'true, a King's Liberality muſt never be dried up 'altogether; for then he can never maintain nor 'oblige his Servants and well-deſerving Subjects: 'But that Vaſtneſs of my Expence is paſt, which 'I uſed the firſt two or three Years after my coming 'hither: And, as I often uſed to ſay, that *Chriſt-* 'mas and *Opentide* is ended: For, at my firſt coming 'here, partly Ignorance of this State (which no Man 'can acquire but by Time and Experience) and 'partly, the Form of my coming being ſo honour- 'able and miraculous, enforced me to extend my 'Liberality ſo much the more at the Beginning. Ye 'ſaw I made Knights then by Hundreds, and Barons 'in great Numbers: But I hope you find I do not 'ſo now, nor mind not to do ſo hereafter. For, to 'conclude this Point, anent Expences, I hold that 'a King's Expence muſt always be honourable, 'though not waſteful, and the Charges of your King 'in maintaining thoſe antient honourable Forms of 'Living, that the former Kings of *England*, my Pre- 'deceſſors, have done, and his Living to be ruled 'according to the Proportion of his Greatneſs, is as 'well for the Honour of your Kingdom, as of your 'King. Now this cannot be ſupplied out of the Air 'or Liquid Elements, but muſt come from the Peo- 'ple: And for removing of that Diffidence which 'Men may have, that I mind not to live in any 'waſteful Sort hereafter, will you but look upon 'myſelf and my Poſterity; and if there were no 'more but that, it will teach you, that if I were but 'a natural Man, I muſt needs be careful of my Ex- 'pences: For, as to my own Perſon, I hope none 'that knows me well, can think me but as little in-

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'clined to any prodigal Humours of unneceſſary 'Things, as any other reaſonable Man of a far 'meaner Eſtate. Therefore ſince, as I have ſaid, 'I cannot be helped but from the People; I aſſure 'myſelf, that you will well allow me ſuch Meaſure 'of Supply, as the People may bear, and ſupport him 'with more honourable Means than others have had, 'that, as I may ſay without vaunting, hath brought 'you more Honour than ever you had: For I hope 'there are no good Subjects either within, or out 'of the Parliament Houſe, that would not be con- 'tent for ſetting ſtreight once, and ſettling the ho- 'nourable State of their King, to ſpare ſo much 'every one of them out of their Purſes, which, per- 'adventure, they would in one Night throw away at 'Dice or Cards, or beſtow upon a Horſe for their Fan- 'cies, that might break his Neck or his Leg the next 'Morning: Nay, I am ſure every good Subject would 'rather chuſe to live more ſparingly upon his own, 'than that his King's State ſhould be in Want.

'For Concluſion then of this Purpoſe; I wiſh you 'now to put a ſpeedy End to your Buſineſs. Free- 'neſs in giving graceth the Gift; *Bis dat, qui cito 'dat*; the longer I want Help, the greater will my 'Debt ſtill riſe; and ſo muſt I look for the greater 'Helps: And now I would pray you to turn your 'Eyes with me from home, and look upon foreign 'States. Conſider that the Eyes of all foreign States 'are upon this Affair, and in Expectation what the 'Succeſs thereof will be; and, what can they think, 'if ye depart without relieving me in that Propor- 'tion that may make me able to maintain my State, 'but that either ye are unwilling to help me, think- 'ing me unworthy thereof, or at leaſt, that my State 'is ſo deſperate, as it cannot be repaired, and ſo that 'the Parliament parts in Diſgrace with the King, and 'the King in Diſtaſte with the Parliament, which 'cannot but weaken my Reputation both at home 'and abroad? For of this you may be aſſured, that 'foreign Princes care the more one for another, if 'they may have Reaſon to expect that they may be 'able to do them Good or Harm in Retribution; and

'and ye know, that if a King fall to be contemned An. 7. James. I. 1609. March.
'with his Neighbours, that cannot but bring an Op-
'preſſion and War by them upon him, and then
'will it be too late to ſupport the King, when the
'Cure is almoſt deſperate. Things, foreſeen and
'prevented, are ever eaſlieſt remedied; and, there-
'fore, I would adviſe you now ſo to ſettle your Buſi-
'neſs, as ye may not take in Hand ſo many Things
'at once, as may both croſs my Errand, and every
'one of them croſs another. Ye remember the
'*French* Proverb, *Qui trop embraſſe, rien eſtreint:*
'We are not in this Parliament to make our Teſta-
'ment, as if we ſhould never meet again, and that
'all Things that were to be done in any Parliament,
'were to be done at this Time: And yet, for filling
'up of your vacant Hours, I will recommend to
'your Conſideration ſuch Nature of Things as
'are to be ſpecially thought upon in theſe Times.
'Firſt, I will begin at God; for the Beginning with
'him makes all other Actions to be bleſſed; and
'this I mean by the Cauſe of Religion. Next, I
'will ſpeak of ſome Things that concern the Com-
'monwealth. And, Thirdly, Matters of Pleaſure
'and Ornament to the Kingdom.

'As for Religion, we have all great Cauſe to take
'Heed unto it; Papiſts are waxed as proud, at this
'Time, as ever they were, which makes many to
'think they have ſome new Plot in Hand. And,
'although the pooreſt Sort of them be, God be
'thanked, much decreaſed, yet doth the greater
'Sort of them daily increaſe, eſpecially among the
'feminine Sex; nay, they are waxed ſo proud, that
'ſome ſay no Man dare preſent them, nor Judges
'meddle with them, they are ſo backed and upholden
'by divers great Courtiers. It is a ſurer and better
'Way to remove the Materials of Fire before they
'be kindled, than to quench the Fire when once
'it is kindled.

Nam levius lædit quicquid prævidimus anté.

'I do not mean by this to move you to make
'ſtronger Laws than are already made, but ſee thoſe
'Laws may be well executed that are in Force;

An. 7. James I. 1609. March.

'otherwiſe, they cannot but fall into Contempt, and 'become ruſty. I never found, that Blood and too 'much Severity did good in Matters of Religion; 'for, beſides it being a ſure Rule in Divinity, That 'God never loves to plant his Church by Violence 'and Bloodſhed, natural Reaſon may even perſuade 'us, and daily Experience proves it true, That when 'Men are ſeverely perſecuted for Religion, the Gal-'lantneſs of many Men's Spirits, and the Wilfulneſs 'of their Humours, rather than the Juſtneſs of the 'Cauſe, makes them to take a Pride boldly to en-'dure any Torments, or Death itſelf, to gain thereby 'the Reputation of Martyrdom, though but in a 'falſe Shadow.

'Some Doubts have been conceived anent the 'Uſing of the Oath of Allegiance; and that Part 'of the Act, which ordains the taking thereof, is 'thought ſo obſcure, that no Man can tell who 'ought to be preſſed therewith. For I myſelf, when 'upon a Time I called the Judges before me, at their 'going to their Circuits, I moved this Queſtion unto 'them; wherein, as I thought, they could not reſo-'lutely anſwer me: And therefore, if there be any 'Scruple, touching the Miniſtring of it, I would wiſh 'it now to be cleared. And ſince I have, with my 'own Pen, brought the Pope's Quarrel upon me, and 'proclaimed public Defiance to *Babylon* in main-'taining it; ſhould it now ſleep, and ſhould I ſeem, 'as it were, to ſteal from it again?

'As for Recuſants; let them be all duly preſented 'without Exception: For, in Times paſt, there hath 'been too great a Connivance and forbearing of 'them, eſpecially of great Men's Wives, and their 'Kin, and Followers. None ought to be ſpared 'from being brought under the Danger of Law, and 'then it is my Part to uſe Mercy, as I think conve-'nient. To wink at Faults, and not to ſuffer them 'to be diſcovered, is no Honour nor Mercy in a 'King, neither is he ever thanked for it; it only 'argues his Dulneſs: But to forgive Faults after they 'are confeſſed, or tried, is Mercy. And now, I 'muſt turn me in this Caſe to you, my Lords, the

'Biſhops,

'Biſhops, and even exhort you earneſtly, to be more 'careful than you have been, that your Officers may 'more duly preſent Recuſants than heretofore they 'have done, without Exception of Perſons; that al- 'though it muſt be the Work of God that muſt 'make their Minds to be altered; yet at leaſt, by 'this Courſe, they may be ſtayed from increaſing, 'or inſulting upon us. An. 7. James I. 1609 March.

'And that ye all may know the Truth of my Heart 'in this Caſe, I divide all my Subjects that are Pa- 'piſts into two Ranks: Either old Papiſts, that were 'ſo brought up in Times of Popery, like old Queen '*Mary*'s Prieſts; and thoſe that, though they be 'younger in Years, yet have never drunk in other 'Milk, but been ſtill nuſled in that Blindneſs; or 'elſe ſuch as do become Apoſtates, having once 'been of our Profeſſion, and have forſaken the Truth, 'either upon Diſcontent, or Practice, or elſe upon a 'light vain Humour of Novelty, making no more 'Scruple to ſeek out new Forms of Religion, than if 'it were but a new Form of Garment, or a new Cut 'or Courteſy after the *French* Faſhion.

'For the former Sort, I pity them; but if they be 'good and quiet Subjects, I hate not their Perſons; 'and, if I were a private Man, I could well keep a 'civil Friendſhip and Converſation with ſome of 'them: But as for thoſe Apoſtates, who, I know, 'muſt be greateſt Haters of their own Sect, I confeſs 'I can never ſhew any favourable Countenance to- 'wards them, and they may all of them be ſure, with- 'out Exception, that they ſhall never find any more 'Favour of me, further than I muſt needs, in Juſtice, 'afford them. And theſe would I have the Law to 'ſtrike ſeverelieſt upon, and you carefulleſt to diſco- 'ver. Ye know there hath been great Stir kept for 'begging Concealments theſe Years paſt; and, I 'pray you, let me beg this Concealment, both of 'the Biſhops and Judges, that Papiſts be no longer 'concealed.

'Next, as concerning the Commonwealth; I do 'ſpecially recommend unto you the Framing of ſome 'new Statute for Preſervation of Woods. In the

An. 7. James I. 1609. March.

'End of the laſt Seſſion of Parliament, ye had a Bill 'amongſt you of that Subject; but becauſe you 'found ſome Faults therein, you caſt out the whole 'Bill: But I could have rather wiſhed, that ye had 'either mended it, or made a new one; for to caſt 'out the whole Bill, becauſe of ſome Faults, was 'even as if a Man, that had a new Garment brought 'him, would chuſe rather to go naked, than have 'his Garment made fit for him: But, on my Con-'ſcience, I cannot imagine why you ſhould ſo lightly 'have eſteemed a Thing ſo neceſſary for the Com-'monwealth, if it were not out of a little Froward-'neſs amongſt you at that Time, that what I then 'recommended earneſtly unto you, it was the worſt 'liked of. The Maintenance of Woods is a Thing 'ſo neceſſary for this Kingdom, as it cannot ſtand, 'nor be a Kingdom, without it; for it concerns you 'both in your *Eſſe*, *bene Eſſe*, and in Pleaſures. 'Your *Eſſe*; for without it you want the Uſe of one 'of the moſt neceſſary Elements, which is Fire and 'Fewel to dreſs your Meat with; for neither can 'the People live in theſe cold Countries, if they want 'Fire altogether, nor yet can you dreſs your Meat 'without it; and I think you will ill live, like the 'Cannibals, upon raw Fleſh: For the Education of 'this People is far from that. As to your *bene Eſſe*; 'the Decay of Woods will neceſſarily bring the De-'cay of Shipping, both which is the Security of this 'Kingdom, ſince God hath by Nature made the Sea 'to be the Wall of this Iſland; and the rather now, 'ſince God hath united it all in my Perſon and Crown; 'as alſo, by the Decay of Shipping, will you loſe 'both all your foreign Commodities that are fit for 'this Country, and the venting of our own, which 'is the Loſs of Trade, that is a main Pillar of this 'Kingdom. And, as for Pleaſure, ye know my De-'light in Hunting and Hawking, and many of your-'ſelves are of the ſame Mind; and all this muſt 'needs decay, by the Decay of Woods: Ye have 'Reaſon therefore to provide a good Law upon this 'Subject.

'Now

An. 7. James I. 1609. March.

'Now as to the laſt Point, concerning Matters 'of Pleaſure, it conſiſts in the preſerving of Game, 'which is now almoſt utterly deſtroyed through all 'the Kingdom. And if you offer not now a bet- 'ter Law for this, than was made in the laſt Seſſion 'of Parliament, I will never thank you for it: For, 'as for your Law anent Partridge and Pheaſant, you 'have given Leave to every Man, how poor a Far- 'mer that ever he be, to take and deſtroy them in his 'own Ground how he liſts. But, I pray you, how 'can the Game be maintained, if Gentlemen that 'have great Lordſhips ſhall breed and preſerve them 'there, and ſo ſoon as ever they ſhall but fly over the 'Hedge, and light in a poor Fellow's Cloſe, they ſhall 'all be deſtroyed? Surely I know no Remedy for 'preſerving the Game that breeds in my Grounds, 'except I caſt a Roof over all the Ground, or elſe 'put Veruels to the Partridges Feet with my Arms 'upon them, as my Hawks have; otherwiſe I know 'not how they ſhall be known to be the King's 'Partridges, when they light in a Farmer's Cloſe.

'And, by your Law againſt ſtealing of Deer or 'Conies, after a long Diſcourſe and Prohibition of 'ſtealing them, you conclude, in the End, with a 'Reſtriction, that all this Puniſhment ſhall be un- 'derſtood to be uſed againſt them that ſteal the Game 'in the Night; which hath much encouraged all the 'looſer Sort of People, that it is no Fault to ſteal 'Deer, ſo they do it not like Thieves in the 'Night. As was that Law of the *Lacedemonians* 'againſt Theft, that did not forbid Theft, but only 'taught them to do it cunningly, and without Diſ- 'covery; whereupon a fooliſh Boy ſuffer'd a Fox 'to gnaw his Heart through his Breaſt. And 'this Doctrine is like that Leſſon of the Canon 'Law, *Si non caſtè, tamen cautè*. I know you think 'that I ſpeak partially in this Caſe, like a Hunter; 'but there is never a-one of you that hears me, that 'cares the leaſt for the Sport, or for the Preſervation 'of the Game, but he would be as glad to have a 'Paſty of Veniſon, if he might get it, as the beſt

'Hunter

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'Hunter would; and if the Game be not preſerv'd, 'you can eat no Veniſon. As for Partridge and 'Pheaſant, I do not deny that Gentlemen ſhould 'have their Sport, and ſpecially upon their own 'Ground: But, firſt, I do not think ſuch Game 'and Pleaſures ſhould be free to baſe People: And, 'next, I would even wiſh that Gentlemen ſhould 'uſe it in a Gentleman-like Faſhion, and not with 'Nets, or Guns, or ſuch other ungentleman-like 'Faſhions, that ſerve but for utter Deſtruction of 'all Game: 'Nor yet to kill them at unſeaſonable 'Times, as to kill the Pheaſants and Partridges when 'they are no bigger than Mice; when, as for every 'one their Hawks kill, ten will be deſtroyed by 'their Dogs and Horſes Feet; beſides the great and 'intolerable Harm they do to Corn in that Seaſon.

'And now, in the End of all this faſhious Speech, 'I muſt conclude like a Grey Fryar, in ſpeaking for 'myſelf at laſt. At the Beginning of this Seſſion of 'Parliament, when the Treaſurer opened my Ne-'ceſſities unto you. then my Purſe only laboured; 'but now that Word is ſpread both at home and 'abroad of the Demands I have made unto you; 'my Reputation laboureth as well as my Purſe: 'For if you part without the repairing of my State 'in ſome reaſonable Sort, what can the World 'think, but that the evil Will my Subjects bear un-'to me hath bred a Refuſe? And ye can never part 'ſo, without apprehending that I am diſtaſted with 'your Behaviour, and yet to be in Fear of my Diſ-'pleaſure: But I aſſure and promiſe myſelf far 'otherwiſe.

'Thus I have now performed my Promiſe, in 'preſenting unto you the Chryſtal of your King's 'Heart.

'Ye know that principally by three Ways ye may 'wrong a Mirrour.

'*Firſt*, I pray you, look not upon my Mirrour 'with a falſe Light; which ye do, if ye miſtake or 'miſunderſtand my Speech, and ſo alter the Senſe 'thereof.

'But,

'But, *secondly*, I pray you beware to foil it with a foul Breath and unclean Hands: I mean, that ye pervert not my Words by any corrupt Affections, turning them to an ill Meaning, like one who, when he hears the tolling of a Bell, fancies to himself that it speaks those Words which are most in his Mind. An. 21. James I. 1623. March.

'And, *lastly*, which is worst of all, beware to let it fall or break, for Glass is brittle; which ye do, if ye lightly esteem it; and, by contemning it, conform not yourselves to my Persuasions.

'To conclude then: As all these three Days of Jubile have fallen in the Midst of this Season of Penitence, wherein you have presented your Thanks to me, and I the like again to you; so do I wish and hope that the End of this Parliament will be such, as we may all have Cause (both I your Head, and ye the Body) to join in Eucharistic Thanks and Praises unto God, for our so good and happy an End.'

In Vol. VI. at p. 97, Prince *Charles*'s Speech to both Houses in the Painted-Chamber, *March* 11, 1623, being given only by Way of Report, the Manuscript aforesaid has it at Length, as follows:

MY Lord-Treasurer having, by his Majesty's Command, made Relation of the great Necessities of his Majesty's Estate, some Doubts might arise, what the King's End might be therein. I was then present in the House when this Doubt did arise, I therefore thought fit to give my Sense thereof. The Prince's Speech to both Houses, *March* 11, 1623.

The King by this intends you shall see, that, upon your Counsel, he was not able of himself, of his own Strength, to engage himself into a War: Thereupon the King commands me to declare that unto you, fearing lest the same might also rise among you. And I conceive it thus:

His Desire was not that we should consider of his Estate purely; but when we have resolved upon the first, then will it appear that it is no difficult Matter to establish his own Estate.

Another

An. 22. James I. 1624. May.

Another Doubt there was in my own Mind, that ſome amongſt you might fear, leſt now, when theſe Things ſhould be ſettled, the King would be ſlower in calling you hither again.

I will put you in Mind of the laſt Part of the King's Speech, That he hopes to be in Love with Parliaments. But having Occaſion to ſend to the King about other Buſineſs, I find him willing, and very willing, to call you often. But this is of my own Head.

I deſire you now to conſider how far this Buſineſs is gone, and that it requires Expedition, as the King my Father deſired it in his laſt Speech.

How far forth this Year is paſt, and how far you have exaſperated thoſe, whom we conceive may be our Enemies; prepare yourſelves ſo, as that we may not only ſhew our Teeth, but bite alſo if there be Occaſion.

Conſider alſo how much the King's Honour and mine is engaged: If you ſhould fail in this, it would be diſhonourable to yourſelves, as well as to myſelf. You ſhall oblige me, who am now firſt entering into the World; when Time ſhall ſerve hereafter, you ſhall not think your Labour ill beſtowed.

The following Speech of his Majeſty to both Houſes, the 24th of *May*, 1624, ſeems to be a ſhort Anſwer to a long Petition of the Commons to the King, printed in this Work, Vol. VI. p. 322, *&c.* againſt the Growth of Popery, *&c.* and therefore ſhould fall in about p. 330, *ibidem.*

My Lords, and Gentlemen of both Houſes,

King *James's* Speech to both Houſes, *May* 24, 1624.

'THOUGH I cannot but commend your 'Zeal in offering this Petition to me, yet, on 'the other Side, I cannot but hold myſelf unfortu- 'nate that I ſhould be thought to need a Spur to do 'that which my Conſcience and Duty binds me 'unto. What Religion I am of my Books do de- 'clare, my Profeſſion and Behaviour do ſhew. I 'hope in God I ſhall never deſerve it; and, for my 'Part, I wiſh it might be written in Marble, and

'to the

'remain to all Poſterities as a Mark upon me, when 'I ſhall ſwerve from my Religion; for he that doth 'diſſemble with God is not to be truſted of Man. An. 22. James I. 1624. May.

'My Lords, I proteſt before God, my Heart hath 'bled when I have heard of the Increaſe of Popery; 'God is my Judge, that it hath been ſuch a great 'Grief unto me, that it hath been as Thorns in 'mine Eyes, and Pricks in my Sides: And ſo far 'ever have I been, and ſhall be, from turning any 'other Way.

'And, my Lords and Gentlemen, you all ſhall 'be my Confeſſors, that, one Way or other, it hath 'been my Deſire to hinder the Growth of Popery; 'and I could not be an honeſt Man if I ſhould have 'done otherwiſe.

'And this I may ſay further, That if I be not a 'Martyr, I am ſure I am a Confeſſor; and, in ſome 'Sort, I may be called a Martyr, as, in the Scripture, *Iſaac* was perſecuted by *Iſhmael* by mocking 'Words; for never King ſuffered more by ill 'Tongues than I have done, and I am ſure for no 'Cauſe, for I have been far from Perſecution, for I 'have ever thought that no Way ever more increaſed any Religion than Perſecution, according to 'that Saying, *Sanguis Martyrum eſt Semen Eccleſiæ.*

'Now, my Lords and Gentlemen, for your Petition: I will not only grant the Subſtance of what 'you crave, but add ſomething of my own; for two 'Treaties being already annulled, as I have declared 'them to be, that neceſſarily follows of itſelf which 'you deſire; and therefore it needeth no more, but 'that I do declare by Proclamation, which I am 'ready to do, that the Jeſuits and Prieſts do depart 'by a Day: But it cannot be as you deſire by one 'Proclamation to be out of all my Dominions; for 'a Proclamation here extends but to this Kingdom. 'This I will do, and more; I will command all my 'Judges, when they go their Circuits, to keep the 'ſame Courſe for putting all the Laws in Execution 'againſt the Recuſants, which they were wont to do 'before theſe Treaties; for the Laws be ſtill in 'Force, and were never diſpenſed by me. God i-

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An. 22. James I. 1624. May.

'my Judge, they were never intended so by me; but, 'as I told you in the Beginning of the Parliament, you 'must give me Leave, as a good Horseman, sometimes to use the Reins, and not always to use the 'Spur; so now there needs nothing but my Declaration; and, for disarming of them, that is already 'done by the Laws, and it shall be done as you desire it.

'And more; I will take Order for preventing of 'this shameful Disorder of the resorting of my Subjects to all foreign Ambassadors; and of this I will 'advise with my Council how this may best be performed. It is true, that the Houses of Ambassadors are privileged Places, and though they cannot take them out from their Houses, yet my Lord 'Mayor, and Mr. Recorder, of the City of *London*, 'may take them as they come from thence, and 'make some of them Examples.

'Another Point I will add concerning the Education of their Children, of which I have had a 'principal Care, as my Lord of *Canterbury*, the Bishop of *Winchester*, and other Lords of my Council, and indeed all my Council can bear me Witness, with whom I have advised concerning this 'Business; for, in good Faith, it is a Shame their 'Children should be so bred up in *Madrid*, or in '*Rome:* So I do grant not only your Desire, but 'more. I am sorry I was not the first Mover of it 'unto you; but if you had not moved this to me, 'yet I would have done it of myself.

'Now for the last Part of your Petition: You 'have therein given me the best and wisest Advice in 'the World; for it is against the Rule of Wisdom 'that a King should suffer any of his Subjects to be 'beholden, or to depend upon any other than himself. And what hath any King to do with the Laws 'and Subjects of another Kingdom? And therefore 'assure yourselves, by the Grace of God, I will be 'careful that no such Condition be foisted in or 'upon any other Treaty whatsoever; for it is fit 'my Subjects should stand or fall to their own 'Lords.'

In

In the old Manuſcript before-quoted, we meet with a Petition to the King, from the Houſe of Commons, complaining much of divers Grievances occaſioned by Monopolies, *&c.* This Petition is without Date, ſo that we know not the expreſs Time when it was preſented: But it ſeems to have been preſented to the King juſt before the Concluſion of this Seſſion of Parliament, becauſe his Speech, at that Period, is, in ſome Meaſure, an Anſwer to it. Vol. VI. p. 337.

An. 22. James I. 1624. May.

Moſt Gracious Sovereign,

Complaints on Grievances.

'WE your moſt loyal and loving Subjects the Commons, by your Royal Authority aſ-'ſembled out of all the Parts of your Realm of '*England*, in this preſent Parliament, as well out 'of Duties and Zeal to your Majeſty, as out of the 'Senſe of that juſt Grief wherewith your Subjects 'are generally afflicted, do, in all Humility, pre-'ſent the Complaint of the Commons of your Realm 'againſt thoſe Grievances enſuing to your gracious 'View, humbly and inſtantly praying due Redreſs 'thereof.

FISH.

'Whereas upon divers Suggeſtions, and to ſet 'forward the Plantation in *New-England*, your 'Majeſty did grant your Letters Patent, bearing 'Date the third of *November*, in the 18th Year of 'your Reign, unto Sir *Ferdinand Gorges*, and other 'Patentees, whereby your Majeſty prohibited all 'your Subjects to viſit the Coaſt, without the Li-'cenſe of the Patentees; and, by Pretext thereof, 'your Majeſty's Subjects have been interrupted to 'fiſh in the main Sea upon the ſame Coaſts: In 'which Letters Patent it is further contained, *That 'if any of your Subjects ſhould offend contrary to the 'ſame, they ſhould forfeit their Ships and Goods, 'the one Moiety thereof to your Majeſty, and the 'other Moiety to the Patentees.* Now, in reſpect 'the Trade of Fiſhing is a moſt beneficial Trade 'to this Realm for the Increaſe of Shipping, Navi-'gation, and Mariners, and the bringing in of Bul-

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An. 22. James I. 1624. May.

'lion and Victuals to a very great yearly Value 'and Supply; and yet the free Exercise thereof is 'restrained by the said Letters Patent, contrary to 'Law, and to the general Damage of this Realm; 'and forasmuch as the said Grievance was complain-'ed of, and examined by and before the Commons 'in this present Parliament, and the said Sir *Fer-'dinand Gorges*, who undertook the Defence there-'of, for himself and other the said Patentees, be-'ing called hereunto, and at several Days deliberated 'and fully heard therein, by himself and his learned 'Counsel, could not defend the same; and yet the 'Premises[1], notwithstanding your loving Subjects 'may be hereafter vexed as heretofore they have 'been, by Colour of the said Patents, so far as they 'concern the Prohibition of free Fishing, and the 'Incidents thereunto, and the Confiscation of Ships 'and Goods, and all Restraints and Penalties there-'in contained, concerning free Fishing, and which 'may hinder the same, to be utterly void and against 'your Laws, and never hereafter to be put in Exe-'tion.

Gold Wire-Drawers.

'Whereas, within the City of *London*, there was 'an antient Art and Trade of Gold Wire-Drawing, 'exercised by divers, being Members of the Cor-'poration of Goldsmiths of *London*, whereby they 'maintained not only themselves and their Families, 'but also set many other Persons on Work, until 'one *Matthias Fowle* and others (Men never bound 'Apprentices in the said Trade according to the 'Law) obtained from your Majesty Letters Patent, 'bearing Date the 14th of *June*, in the 21st Year of 'your Reign; whereby they were incorporated by 'the Names of *Gold Wire-Drawers* of the City of '*London*, the Governor, the Assistant, and Commo-'nalty, upon Suggestion that they would import from 'foreign Parts, to be converted into current Coin 'of this Kingdom, so much foreign Gold and Silver Coin

[1] There seems to be something wanting here in the MS. to compleat the Sense.

'Coin and Bullion, as ſhould countervail the Bul- An. 22. James I.
'lion they ſhould uſe in making Gold Wire and 1624.
'other Manufactures; and alſo the ſame Gold May.
'Wire ſhould be of a ſufficient Goodneſs, and ſold
'at the like or cheaper Rates than the ſame was
'before the ſaid new Corporation: And, by the
'ſaid Letters Patent, the ſaid Gold Wire-Drawers,
'antiently brought up to and uſing the ſaid Trade,
'were prohibited to uſe or exerciſe the ſame any
'more. And further, your Majeſty, by the ſaid
'Letters Patent, at the Prayers of the Perſons ſo
'newly incorporated, did impoſe Sixpence upon
'every Ounce of Gold Wire that ſhould be made
'or ſold by them within this Realm.

'The humble Petition of your Subjects is, That
'your Majeſty will be graciouſly pleaſed to publiſh
'and declare the ſame accordingly, and that the
'ſaid Letters Patent ſhould never hereafter be put
'in Execution.

CONCEALMENTS and DEFECTIVE TITLES.

'And whereas your Majeſty, of your bleſſed Diſ-
'poſition, taking Care of the Quiet and Eaſe of
'your Subjects, who had been intolerably vexed by
'Comptrollers or Overſeers of defective Titles
'under your Great Seal, forbid all Men to propound
'or offer to ſue for any ſuch Lands, for that in your
'Royal Judgment they were Things fit to be mea-
'ſured by the Rules of your Majeſty's own Con-
'ſcience; yet Sir *John Townſhend*, Knt. not regard-
'ing your Majeſty's Royal Commandment, hath,
'by Colour of his Letters Patent, obtained ſince
'your Majeſty's ſaid Prohibition, of fifteen Hoſpitals
'employed for the Furtherance and Relief of old,
'poor, and impotent People, and many other Lands
'and Tenements in divers Counties and Parts of
'your Realm, in the Poſſeſſion of your Subjects,
'extremely vexed by unjuſt Suits in your Majeſty's
'Name; and otherwiſe the Governors and Poor
'of the ſaid Hoſpitals, and other your Majeſty's
'Subjects, to their great Charge and Hinderance,
'and almoſt Undoing.

'Our

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'Our humble Petition to your Majeſty is, That 'the ſaid Letters Patent, for the Cauſes aforeſaid, 'may be called in, and cancelled; and that the ſaid 'Sir *John Townſhend*, and all claiming under him, 'may be by your Majeſty prohibited to vex or trou- 'ble any of your Majeſty's Subjects, by Pretext or Colour of the ſame.

BRIEFS.

'And whereas Licenſes under the Seal, to gather 'Monies of your Subjects, to Perſons pretending 'Loſſes by Fire or otherwiſe, be againſt the Statute 'in that Caſe made and provided, are grown to ſuch 'exceſſive Numbers, that many Miſchiefs and In- 'conveniences thereupon enſue, in all Parts of your 'Realm.

'Our Suit to your Majeſty is, That the Statute 'in that Caſe made may be obſerved, and that no 'ſuch Licenſes may be hereafter granted.

APOTHECARIES.

'Whereas the Apothecaries of the City of *Lon- 'don* have been antiently Members of the Compa- 'ny of Grocers of the ſame City; and whereas the 'ſaid Grocers did, and do, far exceed the Number 'of Apothecaries, and did even buy and ſell all 'Manner of Drugs as well as Apothecaries, which 'Drugs, at ſeveral Times of the Year, were, by the 'Preſident and Cenſor of the Colledge of the Phy- 'ſicians, ſearched and viewed whether the ſame 'were uſeful or not; and whereas as well the ſaid 'Grocers as others did uſe to diſtill all Kinds of 'Waters, a great Part whereof was tranſported be- 'yond the Seas, to your Majeſty's great and yearly 'Benefit; the ſaid Apothecaries, without Conſent 'of the ſaid Grocers, obtained Letters Patent, bear- 'ing Date the 6th of *December*, in the 15th Year of 'your Majeſty's Reign, whereby the ſaid Apothe- 'caries are incorporated and divided from the Com- 'pany of Grocers; by Colour of which ſaid Letters 'Patent, the Apothecaries have appropriated to 'themſelves the whole Buying and Selling of all 'Drugs, and the whole Diſtillation and Selling of 'all

'all Waters within the ſaid City and ſeven Miles 'thereabout; which dividing of the Apothecaries 'from the Grocers without their Conſent, and the 'appropriating of the Diſtillation of the ſaid Waters 'unto the Apothecaries, and the ſole Selling there-'of by them, is againſt the Law, to the impoveriſh-'ing of many Perſons and their Families. An. 22. James I. 1624. May.

'Your loyal Subjects, therefore, humbly pray 'your Majeſty graciouſly to be pleaſed to declare the 'ſaid Letters Patent to be void, and that the ſame 'ſhall not hereafter be put into Execution.

WINTERTONNESS LIGHTS.

'Whereas, by an Act of Parliament, Power and 'Authority to erect Beacons, Marks, and Signs for 'the Sea, was given to the Maſter, Wardens, and 'Aſſiſtants of the *Trinity-Houſe*, as to Men ſkill-'ful and expert in that Behalf; and whereas, at 'the earneſt Requeſt of the Seafaring Men paſſing 'by the Coaſts of *Norfolk*, they, at their own Coſts 'and Charges, erected a Sign for the Sea, commonly 'called a Light-Houſe of Stone, at *Wintertonneſs* in '*Norfolk*, and agreed to take, and did take, but Six-'pence for every twentieth Chaldron of Coals of 'Ships paſſing that Way.

'So it is that Sir *John Meldrum*, upon Suggeſtion 'that there was Want of a Light-Houſe at *Winter-'tonneſs*, obtained of your Majeſty Letters Patent, 'to erect a Light-Houſe there, which Letters, be-'ing made upon that Conſideration, were void in 'Law; for that there had been a Light-Houſe there 'by the Space of half a Year, or thereabouts: And 'tho' it were true, as Sir *John Meldrum* pretended, 'that he had petitioned to your Majeſty for Erec-'tion of a Light-Houſe, before the ſaid Light-Houſe 'of Stone was erected, yet the ſaid Letters Patent 'are void in Law, for that they of the *Trinity-Houſe*, 'having Authority as is aforeſaid by Act of Parlia-'ment, did, before the ſaid Letters Patent, erect a 'Light-Houſe as is aforeſaid; where they of the '*Trinity* did take but Sixpence for every twenty 'Chaldron of Coals, the ſaid Sir *John Meldrum*, by

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'Colour of the said Letters Patent, for every twenty Chaldron of Coals, hath taken three Shillings 'and Fourpence, and will not suffer the Ships to 'make their Entries, or take Cocquets, before they 'pay the said excessive Duty of three Shillings and 'Fourpence, to the intolerable Damage and Loss 'of your Subjects, he hath taken after the Rate of 'three Shillings and Fourpence of divers Seafaring 'Men, that sail not that Way, nor in their Course 'could take any Benefit of the said Light-House.

'Our humble Petition is, That your Majesty 'will be pleased to publish the said Letters Patent 'to be void in Law, and to command that they be 'no more put in Execution.

Sir SIMOND HARVY.

'The said Sir *Simond Harvy*, of his own Authority, made Warrants to divers Constables of the 'County of *Hertford* for taking Malt for your Majesty's Provision; which, by Colour thereof, was 'taken accordingly, and paid not such Prices for 'the same as, if the Taking had been lawful, they 'ought to have received.

'He, in your Majesty's Name, likewise caused to 'be taken of *Quested*, a Fishmonger of *London*, a 'great Quantity of Lings for his Majesty's Provision, where he ought not to have taken the same, 'and yet paid not therefor as, if the Taking had 'been lawful, he ought to have done.

'He hath, wittingly and willingly, over-charged 'divers Counties, as *Hertfordshire*, *Essex*, and *Hampshire*, with Carriages for your Majesty, he not finding any or proportionable Carriages for such Counties as had compounded; whereby your Majesty's 'Subjects were grievously oppressed.

'Whereas the Words of Composition and Covenant for Purveyance of Oxen, &c. be, *That all 'Undertakers should have their Monies immediately 'upon the Delivery of their Provisions*, the Undertakers of *Buckinghamshire*, *Berkshire*, *Herefordshire*, *Gloucestershire*, *Lancashire*, *Cheshire*, *Yorkshire*, *Wiltshire*, and many other Counties, having

'delivered

'delivered good and ſerviceable Oxen, &c. and ſo allowed by your Majeſty's Officers, and going to Sir *Simon*, with a Debenture for Money, was anſwered, That they could have none; to the extreme Hinderance of all, and the utter Undoing of ſome of them; whereas, before Sir *Simon* became Officer, they were duly paid according to the ſaid Compoſition. An. 22. James I. 1624. May.

'It hath been teſtified unto us, that 2000 *l.* will not ſet your Honourable Houſhold in ſo good Caſe and Order as it was before he came to intermeddle with the ſame; for, before his Time, your Majeſty had uſually in Store 500 Quarters of Wheat, 200 Oxen, 2000 Muttons, 5000 *l.* in Hay and Oats, and other Proviſions; whereas now your Majeſty hath none, or very little; for he takes this Courſe, that he ſelleth the good and fat Oxen and Muttons, and buying Meat from the Butchers, many Times your Houſhold hath been very ill ſerved, to the great Diſhonour of your Majeſty.

'And, to ſhew the bad Diſpoſition of this needy Perſon, the ſaid Sir *Simon Harvy* hath, cunningly and treacherouſly, cozen'd and cheated *Liekland*, one of your Majeſty's Servants, of 530 *l.*

'We your humble Subjects that are ever, and ſhall be, ſenſible both of your Majeſty's Honour and Profit, thought it our bounden Duties to inform your Majeſty of theſe Particulars, not having Time to examine any more, to the End that the ſaid Sir *Simon* may (to terrify others offending in the like) receive condign Puniſhment, according to the Merit and Juſtice of his Cauſe.

GOALS.

'Whereas, by the common Laws and Statutes of this Realm, the Cuſtody, Rule, Keeping, and Charge of every of your Majeſty's common Goals, Priſons, and Priſoners, in every County within this your Realm of *England*, doth belong to the Sheriff of the ſaid County, as incident to his Office; and the ſaid Sheriff only, and no more, is accountable and anſwerable, as well to your Majeſty, as

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'to all and every of your Subjects, for all Prisoners 'committed to the said Goals, and is to pay and 'satisfy all the Debts and Damages, for which any 'Prisoner is thereunto committed, if he, by any 'Means, escape out of the same; and therefore all 'Grants of the Custody of such Goals made by your 'Majesty's Predecessors, Kings or Queens of this 'Realm, have heretofore, in the Time of Queen '*Elizabeth*, by the Resolution of the Judges, been 'declared to be void.

'And whereas, also, in your Majesty's Counties 'of *York* and *Lancaster*, and other Counties of this 'Realm, where common Goals have not been erect-'ed by Statute in other Places, then your Majesty's 'Castles, the common Goals of every County 'have been kept in some of your Majesty's own 'Castles, of which Castles, as well as of the Goals 'therein, the Sheriff of the said County for the Time 'being hath had the Custody under your Majesty, 'or your Predecessors, Kings or Queens of this 'Realm, as belonging to his Sheriffwick; and there-'fore all Letters Patent, and Grants of the Custody 'of any common Goal in any County of this Realm, 'made to other Person or Persons for Life or Years, 'than the Sheriff of the said County, in the Time of '*Henry* VII. have been declared to be utterly void.

'Therefore your Majesty's most loyal Subjects of 'your Commons House of Parliament most humbly 'beseech your Majesty, that it would please your 'Highness, out of your Zeal to public Justice, to 'revoke and make void all Letters Patent and Grants 'of the Custody of any common Goal, in any County 'of this Realm, made to other Person or Persons 'than the Sheriff of the said County for the Time 'being.

'And that, of your Royal Grace, it would like-'wise please your Majesty, that the Sheriffs of the 'said Counties of *York* and *Lancaster*, and of all other 'Counties where the common Goal of the County 'hath been usually heretofore, and still is, kept in 'some of your Majesty's Castles in the said Counties, 'may have the Custody of these Castles, as belong-

'ing

'ing to their Office, for the neceſſary Service of your 'Majeſty, and general Good of the Commonwealth, 'for the due keeping of all Priſoners in the ſaid 'Counties. An. 22. James I. 1624. May.

SEA-COALS.

'Whereas it pleaſed your Majeſty, the 22d Day 'of *September*, in the 21ſt Year of your happy Reign 'over us, to grant unto Sir *Robert Sharpleigh*, Knt. 'and *Alexander Hetley*, Eſq; a Patent of ſurveying 'Ships of *Newcaſtle* Coals, with a Fee of 3*d.* upon 'the great Chaldron; and whereas, likewiſe, it 'pleaſed your Majeſty, by Sir *John Sucklyng*, Knt. 'Comptroller of your Majeſty's Houſhold, and a 'Member of our Houſe, to intimate unto us your 'gracious Intention to have the ſaid Letters Patent 'conſidered upon by your Privy Council, between 'this and the next Seſſion of Parliament, according 'to a Clauſe in the ſaid Letters Patent contained; 'and thereupon, out of your Princely Care, to pro-'vide againſt any Inconvenience that might grow to 'your Subjects thereby, we your Majeſty's moſt 'loyal and dutiful Commons, with all humble 'Thankfulneſs, acknowledging your Majeſty's moſt 'Princely Grace and Juſtice, and accounting it a 'ſingular Happineſs to live under the Government 'of a King ſo juſt, and ready to hear the Grief 'and Complaint of his poor Subjects, have never-'theleſs thought it our Duties, and agreeable to the 'Fundamental Rights and Liberties of Parliament, 'more fully at this Time to make known unto your 'Majeſty the juſt Grievance of your People, by 'and upon Occaſion of his Patent, whereof your 'Majeſty can no ways be ſo properly, truly, and 'thoroughly informed as your Commons aſſembled 'in Parliament.

'May it therefore pleaſe your Moſt Excellent 'Majeſty, to take Notice that this Patent is not 'only in itſelf unlawful, as being grounded upon 'many untrue Suggeſtions, and burdenſome unto 'your People in laying a new Charge upon them 'without common Conſent; but tends alſo to the

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'great Decay of the Navigation of this Kingdom, 'and to the great Diminution of a Profit which your 'Majeſty receiveth upon *Newcaſtle* Coals; the Trade 'whereof, by Occaſion of this new Office, hath 'been, and is like to be, interrupted; and we do 'plainly find that this Patent, in Conſequence, is of 'a very dangerous Nature, and reacheth to the Sub-'verſion of the Property, which your Subjects, by 'the Laws of your Kingdom, have, and of Right 'ought to have, in their Goods and Eſtates, amount-'ing, in Effect, to an Impoſition upon a native and 'neceſſary Commodity to be expended within this 'Realm, which your Majeſty hath been pleaſed, 'in open Parliament, to diſclaim any Right at all 'unto, and graciouſly to proteſt, that you did abhor 'either to expreſs or claim any ſuch Power; it be-'ing the undoubted Right of your Subjects, that no 'Burden of this Kind be laid upon them without 'their own voluntary Conſent in Parliament.

'Wherefore, in all Humbleneſs, we do, upon 'this Occaſion, preſent unto your ſacred Wiſdom, 'our moſt juſt Complaints and Fears; herein, moſt 'humbly and inſtantly, beſeeching your gracious 'Goodneſs to ſecure the Hearts of your loving Sub-'jects againſt this and the like in Time to come, by 'being pleaſed to take ſuch a Courſe for the Calling 'in of that Patent, as to your Princely Wiſdom 'you ſhall think moſt fit; and we are full of Hope, 'that, out of your further Grace, you will be plea-'ſed to make known to your whole Kingdom, your 'juſt Indignation and Diſpleaſure againſt ſuch as 'ſhall preſume to offer to your Majeſty any Suit of 'this Nature.

POPISH BOOKS.

'That whereas your Moſt Excellent Majeſty, at 'the humble Petition of your Lords and Commons 'in this preſent Parliament aſſembled, hath, to the 'great Comfort of all your religious and well-affect-'ed Subjects, by your Proclamation, baniſhed all Je-'ſuits and Prieſts out of theſe your Dominions, at 'a Day certain, not to return under ſuch Pains as, 'by the Laws now in Force, are juſtly to be inflicted;

'that,

'that, nevertheleſs, it is apparent, that the ſaid tur- An. 22. James I.
'bulent and ill-affected Perſons, the better to inſi- 1624.
'nuate themſelves, and thoſe of their Faction, in May.
'the Favours and good Opinion of ſuch as, of meaner
'Judgment and meaner Capacities, have of late,
'more than heretofore, taken the Boldneſs to di-
'vulge and diſperſe ſundry Popiſh, ſeditious, and
'peſtilent Books and Pamphlets throughout all the
'Parts of this your Kingdom, whereof there is a
'Catalogue extant in Print of 150 at the leaſt,
'printed and publiſhed here within this two or three
'Years, beſides no ſmall Number of that Kind daily
'imported from Parts beyond the Seas, and ordi-
'narily ſold and vended amongſt us; by Means
'whereof they endeavour not only to corrupt the
'Youth of this Realm, to deprave and ſcandalize
'the true Religion here eſtabliſhed, and to advance
'the Power and Authority of the See of *Rome*; but,
'as much as in them lieth, to withdraw the Hearts
'of your faithful and loyal Subjects from their due
'Obedience to your Royal Majeſty.

'May it therefore pleaſe your Majeſty, at the
'humble Suit of your Commons in this preſent Par-
'liament aſſembled, in a Cauſe ſo highly concern-
'ing the Glory of God, the Preſervation of your
'Majeſty's Perſon, Religion, and Eſtate, that ſuch
'ſpeedy Courſe may be taken for the ſuppreſſing of
'all ſuch ſeditious and Popiſh Books and Pamphlets,
'and to prevent the printing and importing of any
'ſuch as, in your Majeſty's Royal Judgment, ſhall
'ſeem moſt meet and convenient; and that the
'Laws in Force againſt the Offenders may be put
'in Execution.

BUILDING.

'Whereas your Majeſty, amongſt many of your
'Royal Favours and Gracious Promiſes, offered
'your loyal Subjects, upon Conſideration of a Pe-
'tition of Grievance preſented to your Majeſty in
'the eighth Year of your happy Reign over us, by
'the Commons then aſſembled in Parliament, was
'pleaſed to promiſe that ſuch Proclamations as were

'then

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'then paſt ſhould be reformed, where Cauſe ſhould 'be found; and that, for the future Time, none 'ſhould be made, but ſuch as ſhould ſtand with the 'former Laws and Statutes of this Kingdom, and 'ſuch as, in Caſes of Neceſſity, your Royal Pro-'genitors had uſed in Times of the beſt and happy 'Government of this Realm.

'Nevertheleſs, ſome of the ſaid Proclamations, 'then complained of, ſtand in Force, and have been 'oftentimes ſince (by other Proclamations touch-'ing the ſaid former Proclamations) Precedents 'to warrant the latter; amongſt which we preſent 'to your Princely Wiſdom the ſeveral Proclama-'tions concerning Buildings; which is a great Grie-'vance to the Freedom and State of the Subjects, 'in that they cannot repair or amend their Houſes 'in *London*, or within the Diſtance of five Miles 'of any of the Gates of the ſaid City, being their 'Inheritance, without the Licence and Allowance 'of certain of your Majeſty's Commiſſioners, under 'Danger of the Cenſure of the Star-Chamber, as 'appeareth by divers Proclamations made in that 'Behalf; and, namely, by one dated the 17th 'Day of *July*, in the 18th Year of your Majeſty's 'Reign.

'And the Grievance at this Time is ſo much the 'greater, by reaſon that the State of the City gene-'rally is poor, and hath now many Payments to 'your Majeſty; and this great Reſtraint will in a 'ſhort Time be a great Cauſe of their further Im-'poveriſhing; and many Men that are able to re-'pair, and are not able to build, and ſome that have 'intended to build Part of their Houſes, have been 'inforced to pull down the reſt, and new-build the 'reſt, to their utter Undoing; whereas the ſame, 'with ſmall Reparations, would have continued 'many Years.

'And your Subjects further ſhew, That many 'Carpenters, Plaſterers, Smiths, and other Handi-'craft Men, are in great Diſtreſs for Want of 'Work, and divers of the ſaid Workmen have been 'taken from their Work, and committed to Priſon,

'and

'and ſo forced to leave their Wives and Children 'to Pariſhes; and that thereby the Subjects are de- 'barred the common Law of this Land between 'the Landlord and Tenants, which are now cen- 'ſured by the Commons, who have ſet down what 'Charge the Lord and Tenant ſhall be at in build- 'ing and repairing their Houſes. An. 22. James I. 1624. May.

'We therefore, your Majeſty's humble Subjects, 'the Commons in this Parliament aſſembled, do 'humbly deſire your Majeſty to declare your Royal 'Pleaſure, that the ſaid Proclamations, and Com- 'miſſions thereupon, concerning Buildings and re- 'pairing of Buildings, be void, and ſhall no farther 'be put in Execution.

Dr. ANION.

'Whereas Complaint hath been made to his Ma- 'jeſty's Commons, now aſſembled in Parliament, 'againſt Dr. *Anion*, Preſident in *Corpus Chriſti* Col- 'lege, in *Oxford*, of ſundry Miſdemeanors in govern- 'ing the ſaid College, and other erroneous and ſcan- 'dalous Offences, unworthy of his Degree, Calling, 'and Place; which, upon Examination before them, 'have appeared, in the greateſt Part, to be true.

'Foraſmuch as nothing can be more agreeable to 'your Majeſty's great Wiſdom and Knowledge, 'than to have the particular Care of the Advance- 'ment of Learning; nor to your Goodneſs, to have 'a ſpecial Regard of the Government of Youth in 'your two famous Univerſities, as well for Religion, 'as for other important Employments in the State:

'Your moſt dutiful Commons, in all Humble- 'neſs, beſeecheth your Moſt Excellent Majeſty, 'that ſome Courſe may be taken, according to your 'Princely Juſtice and Wiſdom, for removing the 'ſaid Dr. *Anion* from the Place of Preſident in that 'College.

COURT *of* WARDS.

'Whereas your Majeſty, the 11th of *December*, '1618, by your Commiſſion under the Great Seal, 'with Inſtructions and Directions to the Maſter and 'Council of the Court of Wards and Liveries, or

'your

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'your Royal and ſpecial Care for the Good of your 'Subjects, and the true anſwering of your Revenues 'concerning Wards of Idiots and Lunaticks, eſta- 'bliſhed divers Orders, by Advice of your principal 'Judges and Counſel of the ſaid Court; ſo it is that 'the Earl of *Middleſex*, late Maſter of the Wards 'and Liveries, procured the ſaid good Orders, In- 'ſtructions, and Directions to be revoked, and 'others, in lieu thereof, to be made and publiſhed, 'concerning many inconvenient Clauſes, tending to 'the Diminution of your Majeſty's Revenues, and 'raiſing a great Increaſe of Fees and other Charges 'of the Subject.

'Our humble Suit to your Majeſty is, That you, 'of your Grace and Goodneſs, will be pleaſed, for 'the better anſwering of your ſaid Revenue, and the 'good Eaſe of your Subjects, to revoke your ſaid 'late Inſtructions, and to re-eſtabliſh or regulate 'the former, as in your Princely Wiſdom you ſhall 'think fit.'

At p. 336, Vol. VI. of this Work, the Speaker's, Sir *Thomas Crew*, Speech on preſenting the Bills to the King, at the Cloſe of the Seſſion of Parliament, *Anno* 22, *Jac.* I. is only abridged; the Manuſcript before quoted has it at Length, as alſo the Lord-Keeper's Speech in Anſwer to it; both which we here give from that Authority. And, firſt,

The SPEAKER's SPEECH, May 29, 1624.

The Speaker's (Sir *Tho. Crew*) Speech.

Moſt Gracious Sovereign,

'THE great and mighty God, who is the Alpha and Omega, the Beginning and the End of all Things, hath, by his good Providence, brought his hopeful Entry into this Parliament to an happy Period and Concluſion, and hath manifeſted to the Chriſtian World a bleſſed Unity and Conjunction between the Head and the Members in one Heart.

'In the building of the Temple there was not an Hammer heard, but all was ſmoothed, and wrought, and prepared by the cunning Hand of the Workmen before they were laid.

'God,

'God, the Author of Peace and Concord, who makes Choice of a Houſe in the Mind, hath ſo united the Hearts of both Houſes in one Deſire and Correſpondency, that in the great and weighty Buſineſs, wherein your Majeſty was pleaſed to diſcern and aſk their Advice, they have all concurred without a negative Voice; and your Grace and Goodneſs hath broken forth like Light, that have been pleaſed to follow and approve the ſame, imitating the Precept of the wiſe King, *Prov.* xv. 22. *Without Counſel Purpoſes are diſappointed; but in the Multitude of Counſellors they are eſtabliſhed.* An. 22. James I. 1624. May.

'In the Interim of our Debates of that important Subject, we neglected no Time, but huſbanded it in penning and paſſing of Bills, and eſpecially thoſe that concern the public Good, and will remain to Poſterity as a Memorial of the Honour of your Time, and the Weal of your People.

'It is the higheſt Pitch of a true Monarchy, and greateſt of Height of your outward Happineſs, that you rightfully reign and rule alone, and yet that your Commonwealth is ſo compounded by the ſound Laws of the ſame, that your People have their Voice and Suffrage in making and altering of Laws, which are the Sinews of your Government that holds the Body together; and their equal Compoſition and impartial Execution is a principal Means, under God, to ſecure your Royal Perſon, and to ſupport the State.

'It is the Nature of Man to be in Love with its own Child; and by this Parliamentary Way, the People are left without Excuſe, and have their Mouths cloſed up, who elſe might take Occaſion not to be ſo well ſatisfied.

'The Bulk of theſe Petitions, as ſome of them have proceeded from your own Grace, ſo now all of them return to your gracious Acceptation.

'But theſe Petitions, be they never ſo fitly framed, or judiciouſly digeſted; yet, for the Part, they are but as Speculations (yea, that I may uſe the Phraſe of mine own Profeſſion) as *Infante in Ventre ſa Mere*, of whom it may be truly ſaid, That the Children

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Children are come to the Birth, but have no Strength to be delivered, till your Majesty breathes Life into them; yea, they are but as Shadows till the Royal Assent make them a Body.

'In the ranking of these Bills, the first Place is assigned to that which first past, and is to prevent and repress Disorders in that Day which God hath set apart for his own Service and Worship; *a Jove Principium.* Others, to punish and redress profane Cursing and Swearing, and the loathsome Sin of Drunkenness. Another, An Explanation of the Statute of the third Year of your Majesty's happy Reign, to disable Leases of your own two Parts of convicted Recusants Lands, made to the Benefit of the Recusant, contrary to the true Intent of the former Law, and to revest the Interest to your Majesty, the rather to reduce them to Conformity and Obedience, that have been long sick of a spiritual Drunkenness.

'Other Bills of Grace descending from your own Goodness, that have been graciously pleased, as it were, to let fall some Leaves from the Flowers of your Crown, for the Ease and Benefit of your People, and yet the Flower continues fresh and entire.

'One or other hath moved from the Goodness of our hopeful Prince, to clear Doubts that might arise upon his Highness's Leases of the Possessions of the Duchy of *Cornwall* Land, and to ratify the same the more to encourage his Tenants to build.

'Another, the Continuance and establishing of divers Laws useful, that were but Probations and Repeals of divers more, that were as Snares for greedy Informers to work upon.

'Others are new Remedies for such Mischiefs as Time hath discovered to need Redress.

'These public Bills are accompanied with some private ones, as Colleges, Hospitals, naturalizing your Subjects and Servants, the public Bills expecting the joyful Voice, *Le Roy le veult*; the private Bills attending, *Soit fait come ce desire.*

'Neither let it seem strange to your Majesty, that in a Commonwealth so well compounded, there

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is yet ſome Explanation of Laws, Alteration of ſome, *Multa Dies variuſque Labor mutabilis qui vetulit in melius.* An. 22. James I. 1624. May.

'And the Memory ſtill lives of your famous Progenitor King *Edward* the Firſt, who, after his Conqueſt of *Wales*, in his Parliament, ſaith of the Laws and Cuſtoms of that Country, *Quaſdem, &c. Stability only attends the better Life, but in all earthly Things there is Mutation and Change.*

'And as in the firſt Motion of the Heavens there daily ariſe new Aſpects and Conjunctions that alter the inferior Planets; ſo, in Kingdoms and Commonwealths, new Inconveniences are diſcerned, and might be dangerous if that they be not prevented.

'And as new Diſeaſes in the Body require new Medicines, ſo new Diſeaſes in the State muſt be cured by the Remedy of good Laws.

'Yea, in the Commonwealth of *Iſrael*, which were God's People, and he gave them the Law, the Doubts ariſing were cleared from God's own Mouth by *Moſes*; as that for the Puniſhment of the Blaſphemer, the gathering of Sticks on the Sabbath Day, and the like.

'And now, dear and dread Sovereign, we the Knights, Citizens, and Burgeſſes, of the Commons Houſe of Parliament, with bended Knees of our Hearts, do render all poſſible Thanks to God, and to your Majeſty his Lieutenant, for the Bleſſing we enjoy in the Continuance of the Word and Goſpel amongſt us, and our Conſervation in true Religion: And it is our exceeding Comfort that no Jealouſy nor Miſtaking hath bred any Rupture or Diſtraction amongſt us, nor given Cauſe to tell any thing in *Gath*, or in the Tents of *Aſcalon*, whereby the *Philiſtines* of *Rome* may rejoice, or the uncircumciſed Prieſts of *Baal* triumph; but that the true Believers at home, and our Neighbours and Confederates abroad, may rejoice and ſing a new Song of Joy, in ſeeing this happy Turn to the Affairs of Chriſtendom, ſince our hopeful Prince's Return, God having wrought Light out of that Darkneſs. *It is the Lord's Doing, and let it be marvellous in our Eyes.*

'But

An. 22. James I. 1624 May.

'But that we might be ſo happy to ſee the Kingdom quiet, and thoſe Locuſts the Jeſuits and Seminary Prieſts, that are Enemies to Monarchies, and wait for Opportunity to do Miſchief, whoſe chief Point of Learning conſiſts in Flattery, and dividing of Unity; and if this City that is your Royal Chamber, and other Parts of your Dominions were clear ſwept, and theſe *Babyloniſh Achans* taken out of the Tents, your Perſon and State would be more ſecure, and Peace would be upon the *Iſrael* of God, and your Subjects, laying aſide *de Triſtibus*, might be more chearfully ſent home, with that good Father St. *Hillary* in their Hearts.

'We do further acknowledge, with all Humbleneſs and Thankfulneſs, your Majeſty's great Favour to us, in the Enjoyment of our antient Privileges, free Speech, and Freedom from Arreſts and Troubles.

'And that your Majeſty hath been graciouſly pleaſed, at our humble Suit, to give often Acceſs to your Royal Perſon; and by your own Mouth made ſo clear an Expreſſion, of a benign Interpretation of our Proceedings.

'And we further do moſt humbly acknowledge your gracious Favour, that have, according to the Latitude and Bounty of your Royal Heart, and ſuitable to your own Greatneſs and Goodneſs, inlarged your general free Pardon beyond all Times, whereby to ſome, who were dead by the Juſtice of the Law, a new Charter of Life and Mercy is ſealed; to others that be outlawed, and forfeited their Goods, a Reſtitution of Grace is granted, old Debts diſcharged, and the Scores and Reckonings cleared, cancelled, Wardſhips enſuing, and not ſuing of Liveries, and *Autrelemaynes* freed. And generally to all Relaxation from many Pains and Penalties, to which, by Errors and Negligence, they were fallen.

'And here, we the Knights, Citizens, and Burgeſſes, of the Commons Houſe of Parliament, do, in all Humbleneſs, preſent to your Majeſty a free Gift of three entire Subſidies and three entire Fifteenths, granted by the Temporality, and a Confirmation of Sub-

Subſidies granted by the Clergy, which we have given with Alacrity to thoſe Ends to which your Majeſty firſt propounded; and I hope God will direct your Majeſty to make your Sword your Shriefe to put your Son-in-Law in Poſſeſſion of his antient Patrimony, or to make Execution by way of *Withernam* of another as valuable. God is on our Side in a good Cauſe, *Frangit et attollit vires in Milite Cauſa.* An. 22. James I. 1624. May.

'I am out of my Element, but the Zeal and Affection to the Honour of my Sovereign, and Support of a Branch of the Royal Blood, tranſports me, and will excuſe me; which Points of Supply no ſooner came in Propoſition, but paſſed, not one diſſenting. *Hilari Manu*, *celeri Manu*; and, I may ſay, *plena Manu*, conſidering the ſpeedy Payment in this Time of Decay of Trading, and the Diſvalue of the Royal *Engliſh* Silver Mine of Woolls.

'Accept, in ſome Sort, dear Sovereign, this Preſent for the preſent, as a Pledge of our unfeigned and Loyal Duties, and a Teſtimony, as well of the profeſſed Service of our Bodies, as of the entire Subjection of our Hearts.

'And now that your Majeſty hath given a liberal and large Pardon to all your People, give me Leave to intereſt myſelf therein, and, with bended Knees, to fall down at the Foot of your Favour for a particular Pardon, and *(quietus eſt)* that may cover and quit my Errors and Defects; ſince, by the free Choice of the Houſe, and your Majeſty's Approbation, I underwent this Charge.

'And that whatſoever, by my Inſufficiency and Inabilities, hath given Diſadvantage to your Service, may, by your Goodneſs, be forgotten; and the faithful Endeavours of your humble Subject receive a gracious Acceptation.

The LORD-KEEPER's *Anſwer*, May 29, 1624.

Mr. Speaker,

'I Am no way prepared to give Anſwer to your Speech, nor endeavour I to do the ſame; but, becauſe ſome Philoſophers ſay, that a Viol well tuned, The Lord-Keeper's Anſwer.

An 22. James I. 1624. May.

ned, hanging upon the Walls, and a Man touching another, he ſhall hear that which hangeth upon a Wall will give Aſſent to the ſame Harmony; ſo I can but ſay ſomething to every of them, and give Aſſent to that ſweet Harmony of yours. You have ſpoken of Unanimity, of the King's Grace in aſking your Advice, and following of it; of the Suffrages of the People in making of Laws; of his Majeſty's Royal Aſſent; of Swearing; of the Sabbath and Drunkenneſs, eſpecially in ſuch Time of Grace; and ſo particularly you have returned Thanks to his Majeſty for free Acceſs, and of the large Pardon, and of Prieſts and Jeſuits; of the Subſidies, and of the Palatinate; and of your own Behaviour to theſe Particulars, that his Majeſty hath not anſwered, I will touch in a Word.

'For the Unanimity of both Houſes, it muſt be attributed ſolely to the Goodneſs of Almighty God, that Work of the Holy Ghoſt, who was the Author of that Unanimity; for God the Holy Ghoſt, much about this Time, fell amongſt the Apoſtles in one Place aſſembled, *Acts* i. 2. that they were all of one Mind and of one Aſſent: So where there is this Unanimity, there is the Holy Ghoſt, who is the Author of it.

'*Secondly*, In aſking your Advice and following of it, you attribute it to the Goodneſs of the King; and it cannot be denied, for he hath gone beyond all Precedents.

'*Thirdly*, Touching the Suffrages of the People in making of Laws, it is convenient, yea, it makes the People, as St. *Paul* ſaith, to be without Excuſe; for of the Law it is ſaid to be a common Conſent and a Covenant: For when God delivered the Law by *Moſes* to his People, he takes their Conſent, *Ex.* xxiv. 3. whatſoever the Lord ſaid to them they gave Approbation to it.

'*Fourthly*, For the Royal Aſſent, it is a Thing ſo proper to Law-making and giving, that the Scepter is joined to the Law-giver: You may remember the Promiſe of the Meſſias, *Gen.* xli. 10. *That the Scepter ſhall not depart from* Judah, *nor a Law giver from between*

between his Feet. Indeed it is beſt for the People, that this Royal Aſſent is in his Majeſty, and not in themſelves; for many Times it falls out with the Aſſent of Kings as it doth with God; for Almighty God many Times doth not grant thoſe Petitions we do aſk. An. 22. James I. 1624. May.

'Now, God and the King doth imitate the Phyſician and a King; they will not give that which they deſire, becauſe that they know how to fit their Patients and Subjects with better Things than they do deſire.

'I will put you in Mind of two Precedents out of the Book of God, in my own Profeſſion; the firſt is in 1 *Kings*, ii. 20. There is a Precedent of *Berſheba* putting up a Petition to King *Solomon* for *Adonijah*, and ſhe deſired that the King would not deny her; he bids her, *Aſk on, my Mother, for I will not ſay thee nay*, yet he denied her Petition; and though it was denied, yet ſhe had her Intention, for it was only to give Contentment to *Adonijah*. The ſecond is out of the New Teſtament, 2 *Cor.* xii. 7. where St. *Paul* ſaith, That a Prick of the Fleſh was a Hindrance to him in the Performance of good Things; now he puts up his Petition to God, to remove this from him that was ſuch an Hindrance unto him. Now this was a public Bill for himſelf and others by his Prayer; now God refuſeth this his Petition, and gives him a better Gift; for the Lord gives him Grace. And ſo it fares with Kings in giving of their Royal Aſſent, for many Times they do reject ſome of their Petitions; but yet, in other Things, gives them a far more liberal Aſſent than they did deſire by their Petitions.

'*Fifthly*, For thoſe Bills of Grace; they are ſo, becauſe it comes from the Grace of his Majeſty; and they do flow from his Royalty. As for the Bill of Grace for the Prince who is Grace itſelf, and muſt be full of Goodneſs, if that he be the Son of ſuch a gracious Father.

'*Sixthly*, Thanks to his Majeſty; *firſt*, For the Privilege to your Houſes. *Secondly*, You give Thanks

An. 22. James I. 1624. May. for such free Access to his Majesty: These are without Precedents; for, indeed, those Kings that have not such large Endowments, are not so easy to have Access unto.

'But we may say of his Majesty as one said of his Son, that as often as he did see him he did admire him, and bless God for him.

'*Seventhly*, For the Proclamation against the Priests and Jesuits, we have just Cause to give God and the King Thanks for it. It is your Care that be in Places and Office, to look to the Execution of the same, and that it be not said of us as it was said of *Rome*, That although they be banished out of the Commonwealth, yet they will be lurking up and down in Corners; therefore they are to be found out by you, and to be punished.

'For the Subsidies tendered to his Majesty, you are therein to give me Leave to tell you a short Story: When [a] had paid a great Subsidy to *Augustus*, and in Acceptation he sent him a Letter, and nothing writ therein but this, *Mihi nihil*, there was nothing to him.

'And altho' there is no Part of it which returns to his private Gain, yet his Majesty thanks you for this Care that you have for the Honour of Religion, and the Honour of his Kingdom, and for the regaining of his Son-in-Law's Inheritance; and for the Palatinate, his Majesty will omit no Way for the regaining of it.

'Now, for your own excusing of yourself; you have done nothing in this Session to be accused for, and his Majesty thinks that the general Pardon, being so large, will serve the Turn; then you need no particular Favour.'

[a] *Sic in Orig.*

From

From a Collection of Speeches, &c. *in* 1623 *and* 1624, *communicated by the Rev. Dr.* Zachary Grey, *Rector of* Ampthill, *in* Bedfordshire. An. 21. Jamesi. 1623. February.

This Manuscript, apparently in the Hand of those Times, the Doctor calls Captain Wingate's Manuscript, *and contains all the Speeches, Conferences between the two Houses*, &c. &c. *which happened in those last two Years of King* James *the First, many of which are already printed in the sixth Volume of this Work. What are omitted are as follow:* [a]

Sir THOMAS CREW's SPEECH *to the King in Parliament, on his being elected Speaker of the House of Commons*, Feb. 21, 1623. *Omitted in this Work*, Vol. VI. p. 10, *with the Lord-Keeper's Answer.*

Most Gracious Sovereign,

'THE Knights, Citizens, and Burgesses, your Majesty's obedient and loyal Subjects, the representative Body of your Commons, according to their antient Privileges, and your most gracious Directions, have chosen a Speaker; and, amongst so many Cedars of their *Lebanon*, have looked down upon me a low Shrub, and not able to take upon me the Weight of such Service. The Speaker's Speech.

'I desired them to take into their Considerations my Weakness and Disabilities, best known unto myself, and not known to them; and that I might be excused; which I did not do to decline public Duties, but out of a true Insight of my own Insufficiency, which being not granted by them, I humbly appeal unto your high Throne, desiring your Majesty to spare me, and to command them to proceed to a new and better Election.'

The LORD-KEEPER's ANSWER.

Mr. Speaker,

'HIS Majesty observes that in you which *Gorgias* did in *Plato*, *Quod in Oratoribus irridendis, se monstrabat Oratorem.* In speaking against The Lord Keeper's Answer.

[a] By Mistake these Speeches, &c. are misplaced; they should have been put after King *James*'s long Speech to his Parliament, *March* 23, 1609, and before the Prince's Speech to both Houses, *March* 31, 1623, at p. 35 of this Appendix.

An. 21. James I. 1623. March.

'Orators he ſhewed himſelf the greateſt Orator. 'Even ſo it fares with you in this Appeal to his 'Majeſty, *deſcendendo aſcendis*. Your falling down 'in your own Conceit, hath raiſed you higher in all 'other Men's Opinions. By excuſing yourſelf you 'do ſhew, that there is nothing in you to be excuſed. 'His Majeſty doth not only approve, but commend 'the Judgment of the Knights, Citizens, and Bur-'geſſes, in their Choice. *Quod felix fauſtumque ſit.* 'For an Omen and good Luck to all their future 'Proceedings, hath crowned that firſt Work of 'theirs with the old Parliamentary Style, *Le Roy le 'veult, exivit Verbum ex ore Regis*, his Majeſty 'approves the Choice.'

The Prince's LETTER *to the Earl of* BRISTOL, *from the Sea Side, as he came from* Spain. *Without Date.*

Briſtol,

The Prince's Letter to the Earl of *Briſtol*.

'YOU know what I told you: I feared when I 'came away that the Infanta might go into a 'Monaſtery, after ſhe was contracted, by virtue of a 'Diſpenſation granted from *Rome*; and ſo the Mar-'riage might be broken, and the King, my Father 'and all the World, might condemn me as a raſh-'headed young Fool, not to have prevented it: And 'therefore do not diſpoſe of my Proxy untill you 'hear more from me; for ſuch a Monaſtery may 'rob me of my Wife. So not doubting you will 'obſerve particularly this, I leave you.'

A CONFERENCE *between the* HIGHER *and* LOWER HOUSE *of* PARLIAMENT, *at* Whitehall, *the* 2*d of* March, 1623. (Omitted in this Work, Vol. VI. p. 75.)

The LORD-KEEPER.

Gentlemen,

A Conference between the two Houſes.

'YOU that are the Knights, Citizens, and Bur-geſſes now aſſembled, being the Houſe of Commons, the Lords have appointed me to open this

this Conference, and to acquaint the Houſe of Commons of their entertaining all Things with a fair and ſincere Correſpondency with ſpecial Points. An. 21. James I. 1623. March.

'The *firſt* is a Supplement to the Narration which the Prince's Highneſs and the Duke of *Buckingham*'s Grace have made to both the Houſes in this Aſſembly.

'The *ſecond* is the Opinion of the Lords. For the Supplement; that is threefold. 1*ſt*, The treating of the Match. The 2*d* is the Reſtitution of the Palatinate. And the 3*d* contains an heroical Act of the Reſolution of the Prince, which their Lordſhips thought it fitting to communicate unto you, and by you, afterwards, to all the Subjects of the Kingdom.

'The 1*ſt* is the Supplement of the Marriage; no more but this, That the very firſt Motion made by the Duke of *Lerma* to the Lord of *Briſtol*, *Nov.* 3, 1614, nine Years bygone.

2*dly*, 'The Reſtitution of the Palatinate; that you cannot but remember, that his Majeſty, our Maſter, did reſt upon a Promiſe of an Aſſurance to aſſiſt the Armies, if Treaties could not prevail. Now, it appears to the Lords that this Aſſiſtance of Arms, which was promiſed by the King of *Spain* to the Lord of *Briſtol*, hath not been performed.

'The 3*d*, conducing to the Honour of the Prince's Highneſs, and the Comfort of this Kingdom, is this Match. About *July* laſt, his Highneſs being in *Spain*, there was a Rumour ſpread abroad in the Country, that his Highneſs and the Duke's Grace ſhould have an Intent to ſteal away: And tho' this was but an imaginary Thing, they did provide to intercept his Paſſage; and with Reſolution, if they were interrupted, they would keep them as Priſoners, as his Highneſs was informed. His Highneſs hearing of this, ſent the Duke of *Buckingham* to the Committee with this Reſolution, That though they did ſteal thither out of their own Country, that was with Love; but they would not ſteal from thence with Fear.

'This, as I conceive you think it, was done with a great Reſolution; but it is nothing to that which follows.

An. 21. James I. 1623. March.

'His Highneſs thinking on this Occaſion, he gave Commandment to *Grymes* that he ſhould ſay nothing; but if he heard that he was ſtayed, then he ſhould declare this Meſſage to his Father, That he ſhould never think of his Highneſs as his Son, but to bend all his Affections upon his Siſter, *&c.* And theſe be the three Supplements.

'Now, the Lords of the Upper Houſe, they do take into their Conſideration what his Majeſty had commanded them: And conſidering likewiſe of that Narration made to both the Houſes by the Prince's Highneſs and the Duke of *Buckingham*'s Grace, and alſo of thoſe Letters that were read, and ſo of thoſe Supplements, they have reſolved, and be of Opinion, *(Super totam Materiem)* upon the Carriage of the whole Buſineſs, That his Majeſty can no longer remain upon any of the Treaties, neither of the Marriage, nor of the Reſtitution of the Palatinate, with any Conveniency, either for the Safety of Religion, or with any Safety of his Honour, or with any Safety of his own Eſtate, or with any Safety of his Grand-Children. Now, his Majeſty and the Prince's Highneſs do reſolve to know, whether you Gentlemen, Knights, and Burgeſſes do concur with their Lordſhips in this Buſineſs.'

The Lord COKE.

Noble Lords,

'The Knights, Citizens, and Burgeſſes, being the Lower Houſe of Parliament, have given me Commandment to declare unto your Lordſhips their Minds: That they have conſidered of theſe great Matters, and they have deliberately conſulted, and with one Mind agreed, That both thoſe Treaties of the Match, and of the Palatinate, ſhould be utterly and abſolutely put by. Hereunto my Lords were led by a Rule of the Book of *Judges*, that we ſhould attend upon you at this Time, and that it ſhould follow with that Council to conſider, conſult, and then give Counſel; ſo that, my Lords, my Part is very ſhort: For your Lordſhips have concluded, to our

our exceeding Joy and great Comfort, that thoſe Treaties could not be continued with Safety of Religion, and with Safety of the King's own Perſon, or of his Poſterity: Help me if I miſtake. An. 21. James I. 1623. March.

'My Lords, You have prevented us, and that very largely, for we muſt walk upon the ſame Ground and Foundation: And, my Lords, I ſhould make an humble Narration to your Lordſhips, for the whole Houſe of Parliament, that you would be pleaſed to join with us in Supplication to his Majeſty, that he would be pleaſed, at his good Leiſure and due Time, (but our Suit is, that it would be with all Speed) to give his Royal Determination and Reſolution to break off, and utterly to diſſolve, theſe Treaties, which we hear to be ſo dangerous to the King, State, and Children, and eſpecially to Religion; and, if it pleaſe his Majeſty, when he is reſolved, that he would make Declaration of it, ſo that it would put Alacrity in the Hearts of all true Subjects, and ſo put a Wing to theſe good Works of Parliament: And, my Lords, I had almoſt forgot it, that this will not only be a ſingular Comfort and Content to the Subjects of *England*, but to all his Subjects abroad, and Well-Wiſhers to *Sion*.'

The ARCHBISHOP *of* CANTERBURY.

'I have Command from the Lords, upon this Return of this your Anſwer, that we ſhould all give Thanks to Almighty God for this clear Manifeſtation of Truths; and, in the next Place, we are to acknowledge our Humbleneſs to the King, that he is pleaſed to proceed ſo far as to aſk the Advice of both the Houſes of Parliament joined together. Now, in the next Place, we are to give Thanks for the Uſe that is to be made of it: And here I muſt obſerve, that as Springs come from one Head, though we are many, yet we are but as two Eyes and two Hands of the ſame Body under the ſame Head, to ſee that which ſhall be for the Public Good; and that it may be for the Glory of God, and for the Preſervation of true Religion, and the Safety of his Majeſty, and of this bleſſed Prince, and the Honour of the King, and the whole

An. 21 James I. 1623. March. whole People. As you have moved that, ſo may I pronounce that the Lords will not go on with Coldneſs, but with Alacrity and Boldneſs; and as for the Readineſs of the Lords in this Buſineſs, I am commanded to ſhew you how far they have proceeded.

'They have choſen Committees, and they are in Number twenty-four, that they might meet with the Committees of your Houſe; and that ſpeedily they might meet together, and ſet down certain Reaſons that you and we have reſolved upon.

'That his Majeſty may receive that as our Opinions, and ſee the Grounds of it, and that it might have the more Satisfaction to his Majeſty and to Chriſtian Kingdoms abroad; and, as ſoon as may be, that ſome of your Houſe may meet with theſe twenty-four Lords, and may join together and go on with Boldneſs: And when theſe Reaſons be agreed upon, that then they that be your Committees and our Committees may declare them to his Majeſty.'

No more Anecdotes have occurred to the Compilers of this Hiſtory than what are included in the Body of it, from the Date of the laſt to the Year 1640; at which Time the *Scots* were preparing a great Army to invade *England*. That this Invaſion was firſt promoted by the *Engliſh* Malecontents, is more than hinted at in this Hiſtory, Vol. VIII. p. 489 and 90. But what will put that Matter quite out of Diſpute, are the following Letters; the Originals of which are now in the Hands of a Right Honourable Perſon, who was pleaſed to favour us with Copies of them. We ſhall give no other Introduction to them, but leave them, with their ſeveral Indorſements, to the Reader's Judgment. And firſt,

A

A LITERAL COPY *of the Letter from* Scotland, *to which Lord* Savile's *Letter, with the ſeven Lords Names, was an Anſwer.* An. 16. Car. I. 1640. June.

The Original is indorſed, *My Lord* Loudon's *Letter to Lord* Savile, June 23, 1640, *in Sir* A. Johnſton's *Hand-Writing*, afterwards Lord *Wariſton*.

My Lord,

'MD. his Or.[a] by Warrand of the beſt and prymeſt to deſire you moſt ſeriouſly for to deal with our Friends, in all Earneſtneſs, as they deſire this great Buſineſs to proſper for their and our Deliverances, that they would, now at the laſt, find out the Ways of giving us full Aſſurance of their Concurrence with us in their Perſons, Means, and Credit. For ſeeing our Army, as we truſt, about 25,000 Men, Horſe and Foot (if not more as we have appointed and expects, but counts the leaſt) has now their Rendezvous at *Leith* this Week and the Beginning of the next, whereof ſome Regiments in *Fife* are come this Day, and the Weſt Regiments will be here on *Thurſday*; and that, before the 10th of *July*, we will be all lying at the Borders, ready to march in one ſix Hours Advirtiſment: And ſeeing the beſt National Heads amongſt us, in natural Perſon and Wiſdom, will be queſtioning both the Warrant and Call of our Voyage, and Danger, and Sequels thereof, except firſt, by one ſolid Way or other, we be cleared of our Friends Approbation of that our Courſe, and Concurrence with us in it: Therefore ye muſt, above all, deal with them, as they love their and our common Safety and Deliverance, now when it is ſo near and eaſy, by their Aſſurance before, and Concurrence after our Entry, that they would, againſt that Time of our lying down on the Borders, (beſides the Relations made by bare Words, unknown Papers, common Carriers and Servants, whereupon we are come ſo far, but dare not hazard the Flower of our Nation A Letter from *Scotland*.

[a] *M D.* muſt be a Cypher for the Writer, and *Or.* muſt ſignify Order.

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Nation thereupon) farther to assure us of their Approbation and Concurrence, either by Subscriptions of some principal Persons sent to us, or by some eminent Person or Persons, (whom we might trust for the rest) that joining with us (albeit it were but one) their single Persons immediately before our Entry, or by their rising in one or sundry Bodies amongst themselves, or by sending to us, near the Borders, some present Supply of Money, or clear Evidences where we shall find it ready near hand, that we might pay for our Entertainment in the Passage; or by any other solid and certain Way of Engagement and Assurance; which we do not presume to prescribe in the particular (but above all recommend it in the general) that their Grant of it (in any Way that would satisfy themselves, if they were in our Case and we in theirs) may farther confirm our Conscience of our Calls being from God for their Deliverance as for our own, and strengthen our Hands against the Apprehensions of Danger from the invironing Forces of a whole forraine potent Nation, if they concurred unanimously against us, as Invaders of them in a hostile Way: Whereas the Lord knows our Intentions and Actions shall be for them as for our own Souls. Besides this, there seems to be a Necessity of our meeting on the Borders, before our Entry, with some eminent judicious Persons, that having advised now, they may resolve then, (if we think it necessary, as we apprehend, but conclude nothing) that as in the Year 1585, (besides that at the Reformation) there was a League intended between Queen *Elizabeth* and King *James* VI. and the two Dominions against the Council of *Trent*, and their bloody Band; so there may be some League and Band drawn up; wherein, as we may profess our sincere Resolutions for them as for ourselves, so as we go peaceably, without wronging any, thro' the Country, all Favourers of the Protestant Religion and Liberties of the Kingdom may subscribe as a Mark of Distinction from our common Foes the Papist Prelates and their Adherents; some Band of this Kind for maintaining the Protestant Religion,

and

and the ſeveral Churches and Liberties of the two Kingdoms, for having the ſame Friends and Foes in this Cauſe, for making no Peace without ſettling both Churches and Kingdoms, and for mutual Concurrence with others againſt our common Adverſaries, Papiſts and Prelates, in that Cauſe, and to that End. An. 16. Car. I. 1640. June.

'We take not on us to preſcribe the Way to be taken after our Entry, no more nor the particular Way of their Aſſurance before our Entry; but as an Aſſurance of us before our Entry, and Band of Conjunction after our Entry, is neceſſary for the Safety and Surety of both Nations in one another; ſo we leave to their Wiſdom to conſider this or any other Mean God ſhall direct them to think moſt conducible to his great Work on Earth in Hand: For, beſides that, we ſhall have ready, by the Grace of God, our Declaration of our innocent Intention and Carriage ſo fully, clearly, and brotherly, (upon the Grounds ye ſent down) as ſhall give great Satisfaction to them all. But it's Time to return to our Aſſurance before-hand, whereunto we ſuſpect the greateſt Impediment to be the Hazard of their revealing it. By God's Aſſiſtance, we are reſolved on a ſolid Way of Secreſy in the Particulars which will be intruſted to a very few moſt ſure Perſons, (albeit, by generals, we would be the more enabled to encourage the Army, that will rely much on their Confidence in ſome few) as knowing our own and the Cauſe's Prejudice, in the Diſcovery, and the Danger of our Friends; and on the other Part, ſeeing we muſt then be lying on the Borders, ready to march in on that Aſſurance before it can be diſcovered, and to concur with them and they with us, before they can be endangered: They will be in no more Hazard, by aſſuring us immediately before our Entry, nor they will be by declaring themſelves for us after our Entry, according to their Reſolutions and Promiſes; for, by the Lord's Aſſiſtance, we ſhall follow hard, and hinder the King's Forces from harming them. And as this farther Aſſurance is no Prejudice to them; (whom, no Doubt, when all is done, the King

An. 16. Car. I. 1640. June. King and their Adverſaries ſuſpect to know well enough already, but for Fear of Tumults abſtain from meddling with them) ſo it will be a great Encouragement to us of God's Call for their Deliverances as well as for our own: We cannot think that they who reſolve to ware their Lives and Eſtates with us in this common Cauſe of Religion will be ſlack to give us their Fore-aſſurance thereof, by all poſſible and probable Means, the Neglect of ſeeking it, as it would be a Token of our Inconſiderateneſs in ſo weighty and [a] a Paſſage; ſo their ſhifting or refuſing would be apprehended, by ſome, as a Ground of Jealouſy, leſt they failed us in our greateſt encompaſſing Straits: God is our Witneſs we deſire and intend their Deliverance as our own. It were a pitiful Caſe that both ſhould fail for Want of Aſſurance and Correſpondence, when Matters are brought to ſo great a Height, and our Armies lying on the Borders, the ſole and principal Means, in any Probability, either of God's Way or Man's Way to effectuate both; but we truſt they will find out the Ways, in their Wiſdoms, to give us Satisfaction herein, as by God's Aſſiſtance, we intend, and ſhall endeavour, in all our Ways, to give them full Content, as in the Sight of God, to whoſe great Time and Work we are ſubſervient in this Buſineſs for his Son, and againſt the Man of Sin; by whatever Way, either of Writ or truſty Meſſengers, they reſolve to aſſure us before the 10th of *July*, on the Borders, before our Entry, they would condeſcend, as far as is poſſible, what Force will be againſt us, what People will be neutral, what Perſons will concur with us, and both what Forces, and with what Aſſiſtance of Horſe and Foot, and with what Money or Munition, in what Places, (ſeverally or together) in what Times, and by what Ways, what Guides they would ſend us; what Marks to diſtinguiſh Papiſts and Proteſtants, Friends and Foes, to whom we ſhall give Sureties for our Entertainment, when we want Money, (as we ſhall offer and give every where, but to Prelates and Papiſts) and all ſuch

[a] Illegible in the Original.

ſuch other Particulars they know we ſtand in Need to be informed of clearly. I reſumed all our former Letters, and have written this by Warrant of our ſureſt and ſecreteſt Heads, whilk, above all, I recommend to your ſpecial Care and Truſt, as the very Hinge and Mergh of our Buſineſs. Ye know my Hand and the Subſcription of your own, whilk ye may take for more nor his own. An. 16. Car. I. 1640. June.

NATHANIEL BLACK. [a]

The following Letter was indorſed, *Copy of Lord* Savile's[a] *Letter, with the ſeven Lords Names, viz.* Bedford, Eſſex, Brooke, Warwick, Say *and* Sele, Mandeville, *and* Savile, *put to it by Lord* Savile *and* Henry Darley, *Eſq; and after cut out, and reſtored to every Man his Name, by Sir* Archibald Johnſton.

This Letter it is likely was written in Yorkſhire, *by* Henry Darley, *who brought Sir* Archibald Johnſton's *Letter from Lord* Loudon *to* Savile *and the other Lords, to which it is an Anſwer, evidently written to an* Engliſhman, *to ſhun the Danger of Correſpondence with the* Scots; *but there is no Superſcription on it.* Darley, *it ſeems, ſhunned that; however, he went Poſt with it incloſed in* Savile's *Letter to the* Scots *on the Borders.*

S I R,

'ACcording to our Promiſe unto you, we have ſeriouſly peruſed, and well weighed, the Contents of that Letter which you did deliver unto us, and have thought fit to return unto you our Apprehenſions of it, and our Anſwer unto it, and that in ſo few Words as the Greatneſs of the Occaſion will permit us to do. The Anſwer t it.

'And, *firſt*, we find the Deſires of the Authors of that Letter to be, that their *Engliſh* Friends here ſhould give them ſome ſolid Aſſurances, before their coming

[a] A feigned Name we ſuppoſe. —— How this Charge of [illegible] Savile, and Incendiary between the two Kingdoms, [illegible] with the Conſent only two Years after, [illegible] [illegible] Vol. II. [illegible]

An. 16. Car. I. 1640. June. coming into *England*, that they come by their Invitations and Approbations; which, in our Opinion, would much wrongboth our Cauſes; for it is publiſhed through all *England*, that their coming into *England* is neceſſitated by thoſe crafty wicked Counſellors near the King, who, on purpoſe to divert this Quarrel of Religion, and to make it a National Quarrel, have made the King to beſiege them, by Land and Sea, taken their Ships, deſtroyed their Trade, undone their Fortunes, and all to draw a War upon our Kingdom; upon which Ground we mean to make it a Part of our Remonſtrance to the King, as an inſupportable Grievance to our whole Nation; which Part is abſolutely taken away from us, if they come in by the Perſuaſion of a diſcontented Faction, (as they will call us here) and not by any Neceſſity the King laid upon them to occaſion their coming.

'*Secondly*, They deſire not only our Invitation, but our perſonal Conjunction with Horſe and Foot, and Men and Money, and Credit, and the particular Names, and Times, and Places, and all by Covenant, before they enter. We know they underſtand it very well, that, if Neceſſity bring them in, their Entry muſt be juſt; for that cannot break any Law, which is ſubject to no Law, as Neceſſity is not; but if we call them in without abſolute Neceſſity compelling us thereunto of a juſt Entry, we ſhall make it an unjuſtifiable one on our Part, as being abſolute Treaſon, by our Law of *England*, to be of Council to the bringing in of any foreign Forces, to adhere unto them, to ſupply them with Money, in the very Words of the Act of Parliament to reſolve what ſhall be Treaſon in King *Edward* the Third's Days, as it is printed in our Books.

'Now, we durſt let our Friends in the *North* judge if we can juſtify it to our God, for the Hope of never ſo good Succeſs; for moſt of the greateſt Perſons in the Kingdom of *England* to begin with undeniable Treaſon, by their own Laws guilty, and well known by them all to be ſo. It hath been the Happineſs of the *Scotiſh* Nation, that, in all their Turmoiles, (though in Appearance foul) yet they have never done any

any Act, but what they will juſtify by the Fundamental Laws of their own Nation, unto which only they are ſubject. This we aſſure you hath procured them many Friends, and much Honour and Glory abroad; and we are confident that they would not have us, in our Caſe, leſs ſenſible of our Honour and Piety, than they themſelves, who have ſo often avowed this in their public Writs and public Speeches to the King. It is not Security only that we expect from the King, but from our own Conſciences, and a good God; who, otherwiſe, will be juſtly offended with us, and give us up unto our Enemies Hands; but if the *Scots* come in their own juſt Rights, as neceſſitated unto it, without any ſuch Contract and Aſſurance from us, we are reſolved to do more and more effectually for obtaining their and our honeſt Ends, in a fair, juſt, and noble Way, than either they can expect or deſire in this that is propounded. But it conſiſts of ſo many Particulars, as it cannot well all be now recited; nor is it yet ſafe nor fit for them to know, for it is impoſſible to keep ſuch Secrets long concealed in any Army. Here is not much Truſt required neither that they put in us; for Policy of State will tell them it is better to make the Seat of War in another's Country, rather than to ſeat it in their own. Beſides, what Cauſe hath this Nation given them, ſince this Difference, to doubt of their Fidelity unto them?

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'*Firſt*, The greateſt Band, the common Intereſt all one; Religion and Liberty, and to make our abuſed King more great in Goodneſs, than they have made him unhappy in Ill. In the Parliament what might we not have obtained for ourſelves if we would have joined to ruin them; but we foreſaw our own muſt follow preſently: And ſince the Parliament, what Kingdom hath ever ſhewed more Stoutneſs againſt the Importunities of the King than this hath done in all his Demands of Men, Monies, Ships, Loans, Soldiers, or any Thing that might enable him to bring an Army againſt them; which appears by the great Violence that hath been uſed to gather Forces, and the poor Companies which are not yet raiſed? How

many

An. 16. Car. I. 1640. July. many of the greateſt Houſes of *England* have gotten his Majeſty's irreconcilable Diſpleaſure againſt them, for their ſuſpected Affections to them, who ſhould ſoon find it were they under a juſt Cenſure of the Law. To what End was all this, I pray you, that if, when our Deliverances drew nigh, we ſhould forſake them in their greateſt encompaſſing Straits? Is not that Deliverance more precious, that is begun and continued without the Breach of one Fundamental Law, rather than that which is compaſſed by the Subverſion of the greateſt of all? Or may not a Prince be as eaſily won to do his Subjects Right by a juſt Expoſtulation of his Nobility and Subjects, in an opportune Seaſon, as well as in an unlawful Convention, if they receive the ſame Fruit and Aſſiſtance by it? In Concluſion; we ſhall certainly appear (if they will believe ſo) juſt to them, juſt to God, juſt to the King, juſt to ourſelves, to our Religion, Liberties, and according to that irrefragable Poſition of that noble Example, without the Tranſgreſſion, either of the Laws of God or Man. This we thought fit to acquaint you withall, and leave it to your Diſcretion and Fidelity to diſpoſe of it as you ſhall ſee Cauſe, and ſhall ever reſt,

Your reſpective Friends, [a]

A LETTER *inviting the* SCOTS *to come into* England *in* 1640.

To the Right Honourable John ————, *(cut out) this preſent.*

Right Honourable,

A Letter of Invitation for the *Scots* to come into *England*.

HOW much more ſafe it were for me to have attended you in Perſon [b] with Aſſurance of Liberty, than to be here in perpetual Danger of Reſtraint upon the leaſt Colour of Suſpicion. Your Lordſhip (who have lately taſted the Fruits of our *Engliſh* Juſtice) will eaſily imagine; yet, conſulting with

[a] Subſcriptions cut out. The Names of the Lords were ſo exactly imitated, that each Lord declared they could ſcarce diſtinguiſh theirs from their own Hand-Writing.

[b] It may either be Perſon or Priſon.

with ſome Friends of yours here, who know the many Dependencies upon me, and Opportunities of doing Service, wherein it is conceived my Preſence would be very neceſſary, and that, by my Perſon, I can contribute nothing more than what is compriſed in this Paper, it was concluded, by an unanimous Conſent, that it was very requiſite for me to defer my Coming till ſome other Time; and thus, in Submiſſion to this Reſolution, I ſhall faithfully and fully give Anſwer to ſuch Particulars of the Letter, as, I conceive, are of moſt Conſequence for your Knowledge and my Diſcharge. An. 16. Car. I. 1640. July.

'Your Lordſhip may remember, that it was the 27th of *June* e'er you did communicate the Letter unto me, the next Day was to be ſet a-part for hearing of the Word and Prayer, two Days more were ſpent in *London* to let your Friends know the State of your Affairs, and to ſettle a Way of giving them certain and ſpeedy Intelligence of your Proceedings, five Days more were ſpent in my Journey into my own Country; ſo as I have neglected but three Days; and, I preſume, you will not ſay they were altogether neglected, when you have peruſed this, together with the incloſed.

'I conceive the main Scope of your Letter may be compriſed under theſe two Heads, A fair Call before your Entry, and a Concurrence after. In Anſwer to the firſt of theſe, I ſhall refer you to the incloſed, which doth fully explain their own Senſe, and is the beſt Index of their own Hearts, rather than to clothe their Expreſſions in any Language of my own. And thus much, my Lord, let me tell you, that although it be not the Way which your Letter doth deſire, yet, upon a due Conſideration of the State of our Government, it was thought, by wiſe Men, and am perſuaded your Lordſhip will approve it, as more ſafe, more juſt, more honourable for them, and no leſs effectual and powerful for both your Ends, than your own.

'And, good my Lord, let not petty Jealouſies, or improbable Fears, retard ſo great, ſo good a Buſineſs for the Church of God, and our common Li-

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berties, as, by his Providence, is ſo near at this Time, if it pleaſe God that you ſpeed your Entry at or near the Time prefixed in your Letter. And I beſeech you not to imagine that it is for Fear of their Perſons being known that they refuſe to be the Callers of you in, or Contractors before-hand, either for Men or Money or any other Supply; but only to keep their Conſciences and Honours clear; for their Perſons are mutually engaged one to another, upon the firſt Aſſurance of your Entry into this Kingdom, to unite themſelves into a conſiderable Body, and to draw up a Remonſtrance to be preſented to the King, wherein they will compriſe yours and their own juſt Grievances, and require a mutual Redreſs.

'And now, my Lord, for your Satisfaction, in Point of Concurrence, give me Leave to tell you that all my Intelligence is calculated only for the Meridian of *Yorkſhire* and the more Southern Parts; for, till your Entry there, you muſt expect great Difficulties; becauſe there are many Papiſts in thoſe Parts, whom none can make Friends to your Cauſe: But, alas! my Lord, what can that Number do againſt your Army, if it be ſo great as is mentioned in the Letter; and that you make a ſpeedy Entry, before they can be in any Readineſs? Grumble and mutter they may peradventure, fight they dare not; but I ſhall proceed briefly to relate Things as they appear to me upon my beſt Enquiry.

'Theſe are certain, *1ſt*, In the Judgments of all that I have met with, it is approved that your Army and Entry are the ſole and principal Means, in any Probability, to effectuate both our Deſires.

'*2dly*, That if we claſh one againſt another, or be divided one from another, we are in extream Peril to be both loſt.

'*3dly*, That ſome Covenant of mutual Defence of the Religion and Liberties, already eſtabliſh'd in both Kingdoms, is abſolutely neceſſary to be drawn up and ſubſcribed by both of us. And it is deſired that you will be pleaſed (as better verſed in Buſineſs of this Nature) to do it, and to tender it to all *Engliſh*,

as

as you march along; and, it is presumed, you will find many very ready to join with you in it. An. 16. Car. I. 1640. July.

'Before your Entry these Things are done. *Biron*'s Troops in *Carlisle* have no Saddles, nor shall have any; 800 of the best have no Pistols, nor shall have any.

'There is already, of the King's Money, about 2000 *l.* which, before you come in an ordinary March, will be perhaps double or treble that Sum, and is intended for you; which you shall have Notice of at your first coming into the Country, and where it will be in Readiness; which will be a good leading Case to the whole Kingdom.

'These Things are intended, and probably after your Entry, that the Sheriff and Gentry will, for the Security of their Wives, Children, and Evidences, seize upon *York* or *Hull*, or both; whereby the King will be disappointed of a great Part of his Strength, which he depends upon there, and your Way made open.

'That the Lords, as I formerly mentioned, will, upon the first Certainty of your Entry, join together, as is touched in their Letter.

'That some Troops of Horse, the Number whereof is not yet certain, and a Regiment of Foot, besides particular Persons out of every Regiment, will turn to you.

'That the Gentry will be willing to afford you Victuals in a plentiful Manner; and the meaner Sort upon very easy Conditions.

'I am likewise to recommend unto you, from your Friends in the South, these ensuing Considerations, which they conceive will be of good Advantage to you for the perfecting your Design.

'1. That, upon your Entry, you should march with all possible Speed to *London*, where the Lords and City will be ready to receive you, and join with you.

'2. That in the Way, especially at the first, you should forbear to take any Thing from any, whether Prelate or Papist, without their Consent and Payment for it; for these Reasons, Because your Friends

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do make Account to ſend you back (when the Work is done) with a liberal Recompenſe for your Charges; and they conceive it will be more for your Hondur to have leſs, with Love and Juſtice, than more, with Violence and Oppreſſion; as alſo to take away the Scandal abroad, and here at home, by thoſe who yet ſtand well-affected to you. The firſt Impreſſions laſt long, and make a great Noiſe; therefore, my good Lord, let your firſt Approaches be fair and ſweet, according to your Declaration.

3. 'That where you hear there are any conſiderable Bodies of Men, that you would ſend to them, and let them know your Unwillingneſs to fight with any in this Quarrel, coming in for our Good, as well as your own, and ſend them your Declarations to that Purpoſe: But if any be ſo mad as to aſſault you, ſpare them not, and be aſſured it will not make it a National Quarrel; becauſe the Army is patched up of Strangers, Papiſts, and the Scum of the Country; which, if your Swords prevent not, will undoubtedly die in a Halter. So as, in my poor Skill, I cannot ſee any Danger at all of your coming in, nor any Doubt of good Succeſs; but an happy Deliverance of the poor impriſoned and fettered Goſpel in both theſe Kingdoms, and a juſt Judgment upon the Authors of theſe deſperate Councils.

'My Lord, I ſhall humbly beg for myſelf, that the Bearer hereof may be returned with all poſſible Speed and Secreſy, and an undoubted Aſſurance of your Reſolutions; becauſe I am to tranſmit it into the South with all Speed. Thus preſuming of your Favour herein, I reſt

Your Lordſhip's Servant,

Date cut out. [a] MUM.

P. S. 'Let us know the certain Day of your beginning to march.'

INSTRUCTIONS

[a] The Date muſt have been, as appears within, the 8th of *July*, from *Yorkſhire*, and Lord *Loudon* muſt have gone from *London* to *Scotland* after the 27th of *June*.

INSTRUCTIONS *for the* SCOTS ARMY *how to act on their Entrance into* ENGLAND. An. 16. Car. I. 1640. July.

'IF of Neceſſity they muſt come in, there is no farther diſputing but how they come with moſt Advantage to the Cauſe.

'All the Advantage which the Papiſts or Royaliſts will make, is to perſuade the People, that this was their Intent from the Beginning, and that they came to conquer and enrich themſelves with others Poſſeſſions, and not for Religion and Liberty, as was pretended, which muſt be anſwered by a Manifeſto, and an Oath taken by themſelves, before they enter; and to offer it to as many in *England* as will take it, and join with them; to proteſt againſt taking of any Men's Goods, or to engage themſelves in Blood by fighting, unleſs they be forced unto it, which they preſume they ſhall not find any to oppoſe them, who love either the Goſpel of Chriſt, or do not deſire the Slavery of themſelves, their Country, and Poſterity. Inſtructions for the *Scots* Army on their Entrance into *England*.

'To ſhew how they have been invaded by Sea and Land, for no other End but to neceſſitate their coming to *England*, that they might have that Occaſion to ſcandalize their juſt and pious Intentions, and to ſtir up the Kingdom of *England* againſt them, and to make them the Authors both of their own and their Slavery, and by our own Swords to extirpate our own Religion, and to bring in Popery with a ſtrong Hand, which hath been ſo long intended.

'That it is plain, by breaking of Parliaments in both Kingdoms, that they that govern the King's Councils have no Intention to reform the Grievances of Religion or Laws in either, which was only the Requeſt of both Nations; and to teſtify the Sincerity of their Hearts, their utmoſt Requeſt and Deſire only ſhall be, That the Parliaments may ſit freely in both Kingdoms, to redreſs Religion and Liberty ſo unjuſtly invaded; and that pernicious Counſellors, namely, the Archbiſhop of *Canterbury*, and the Lord-Lieutenant of *Ireland*, with ſome others, who have plotted and counſelled the Ruin of us all, may be made forthcoming and anſwerable to the free Parlia-

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ments in both Kingdoms; which, if it may be sincerely and effectually performed, shall give a Period to their Arms, and a just Satisfaction to all the Christian World what their Intentions are.

'That they can have no Peace nor Assurance with the King as long as these Counsellors, and such other evil Instruments, have such an immoderate Share in all his private Councils as they now have; and that they can have no more reasonable Request than only to enjoy the Gospel and the Laws, and such Reformation as the whole united Kingdom shall think fit; that they desire to shake off no Power of lawful Monarchy, but only that which is inconsistent with the Monarchy of Christ.

'That no independent Kingdom did ever descend so far to the Judgment of another, as they shall to the Parliament of *England*, when it shall sit free; and that they desire no other Proceeding against these pernicious Counsellors, than what their own Parliament shall think them worthy of.

'That, to avoid farther Trouble by the Army, they desire the King would be pleased to send any ten of the well-affected Nobility of *England*, (excepting these guilty Persons who are named) to hear their just Intentions to their Brethren of *England*, and to make a fair Conclusion of all Hostility untill the Parliament be convened, where all Demands shall be rightly weighed and justly determined, and the Persons accused by both the Kingdoms, may be legally tried; which is no more than what a just Prince oweth, by the Law of God, to his Subjects; who, with all Humility, Tears, and Supplications, do demand it.

'That they call God to witness, that, with Peril of their Lives, and Loss of their Estates, they have, and do seek, as much the Preservation of *England*, in their Religion and Laws, as their own, as well knowing the Ruin of the one is, and will be, the Ruin of both; and cannot believe that they shall find Enemies there, where they have deserved so much; from the Bishops and Papists, and guilty Persons, they may expect it; but from any that desire the Purity

Purity and Flouriſhing of Chriſt's Goſpel, they cannot. Altho' your Informations run Hazards in the Way, and receive harſh Entertainment, at their Journey's End, from your Adverſaries, who labour to ſuppreſs the Truth, yet they are ſo acceptable to your Friends, and neceſſary for aſſuring all Men of your Conſtancy and Reſolution of ſtanding to the Defence of your Religion and Liberties, and for clearing your Loyalty to your native King, as you have juſt Reaſon to ſend them through all Difficulties. An. 16. Car I. 1640. July.

'It is affirmed that you have ſet out a Repreſentation of all your Proceedings ſince the Pacification, with an Anſwer to that late Declaration made againſt you, which doth conduce very much for the Good of your Buſineſs; and doubtleſs both yourſelves and your Friends are, and will be, as careful to have it, and all true Informations, publiſhed as your Adverſaries are deſirous to ſuppreſs.

'It is reported that you have foreſeen, that you are in an Inſtant to be blocked up by Sea, and compaſſed and invaded with Armies by Land; and that the Seat of War is intended to be in the Boſom and moſt fertile Part of your Kingdom, to conſume and waſte you, and keep you at a greater Diſtance from your Friends, that ſo, in the End, your Enemies might devour you; which great Danger, it is reported, you are labouring to prevent, by anticipating the King's Army with the Expedition of yours to *England*; which is moſt acceptable to your Friends, and affrights your Adverſaries, who will labour to have your In-coming eſteemed to be an Invaſion of *England*, that they may raiſe a National Quarrel; for preventing whereof, albeit your Friends, who underſtand the Truth, and know your Affections, will not truſt ſuch Calumnies, yet, for better Satisfaction and greater Aſſurance of the People here, your Friends truſt and expect that, as you have given Information of all your Proceedings heretofore, ſo you will make a Declaration to come, before and with your Army, to ſhew how you are conſtrained to this Expedition for your lawful and neceſſary Defence, that your Enemies, againſt whom you come,

are

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are only the Prelates and Papiſts, and their Adherents; who have incenſed your native King againſt you, and have raiſed up theſe Wars, becauſe you would not receive the Innovations of Religion urged by them upon you, and admit their tyrannical Hierarchy in the Church and State againſt the Oath of your National Covenant, and Conſtitutions of your Church; that you have no Intention to invade or wrong *England*; but, with God's Aſſiſtance, and with the Favour of ſuch as love the true Proteſtant Religion, the King's Honour, and the Peace and Good of this Kingdom, that you are to fight for your Religion, Liberties, and Lives, that the King's Majeſty, and all his good Subjects of both Kingdoms, may be delivered from God's Enemies and theirs, as the Authors and Cauſers of all your Evils, and Diſturbers of the Peace of both Kingdoms; and that his Majeſty may, with all poſſible Speed, call a Parliament in both Kingdoms, by whoſe joint Advice and Counſel, without Interruption or breaking them up, theſe great Evils may ſpeedily be remedied; the Authors thereof put to a juſt Trial, and receive condign Puniſhment; the King's Honour may be vindicated; his good Subjects of both Kingdoms may get Redreſs of their Grievances; which will turn all our Troubles and Tempeſts into a fair Calm and Peace; will make his Majeſty loved, honoured, and chearfully obeyed at home, and make him terrible to all his Enemies abroad.

'And, leſt plundering and ſpoiling of the Countries where you come provoke the People to riſe againſt you, it is expected that you will keep your Army in the beſt Order you can; and that the Declaration will bear, That you will take no Man's Goods nor Means but for Payment, except the Goods of Prelates and Papiſts; and that what you are neceſſitated to take from any other for Entertainment of your Army, you will pay preſent Money for it, or give Surety for Repayment thereof; for it is thought that you will make the Prelates and Papiſts pay for all, and that your Friends, and ſuch as love the Good of Religion, and the Good and Peace

of

of both Kingdoms, will not reſiſt nor grudge for ta- An. 16. Car I, 1640.
king what is neceſſary for Entertainment of your Army, either for Payment or upon Surety, till it pleaſes God to enable you, and afford Means to pay what you muſt take in this Kingdom. July.

'Your Declaration may expreſs your Acknowledgement of God's Providence, who kept the Parliament of *England*, that they were ſo wiſe as not to be miſled againſt you by the Practice of your Adverſaries to a National War; as likewiſe bear ſome Expreſſion of your Thankfulneſs to them, and to the City of *London*; who, notwithſtanding the Arch-Prelates, who are the great Miſleaders of King and Court, live amongſt them, have all this Time continued conſtantly affectionate to Religion, and the Peace of both Kingdoms; and your ſignifying your Reſpect to them, will both teſtify your Thankfulneſs, and endear them the more: All which may be in a brief Declaration, which may be contained in a Sheet or two of Paper, and needs not be long, becauſe your former Informations and Remonſtrances have ſufficiently cleared your former Proceedings.

'The Reaſons which ſeem to favour and invite you to come in, amongſt others, are, partly from your own Condition, partly from the Condition of Matters here: *Firſt*, The King's Reſolution, being incenſed by your Adverſaries, is bent to deſtroy you, by blocking you in by Sea, and by keeping Troops and Garriſons in your Borders, forcing you to neglect your private Affairs, keep Officers and Soldiers, ſpend and waſte your Means, weary and diſable you, that you may the more eaſily, in the End, be overthrown, or ſo ſoon as he can have ſufficient Forces and Money to undo you by Force and Strength, by Sea and Land; under which great Danger it ſeems impoſſible that you can long lye in Suſpenſe, and bear out, as you have marvelouſly done theſe Years bygone. The Diſpoſition of *England*, and how they are diſpoſed, may beſt be judged by their Carriage in the laſt Parliament, which is the beſt Commentary of their Minds; ſuch as love the Sincerity of Religion, and diſlike Epiſcopacy,

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copacy, are your certain Friends; ſuch as have their Grievances for their Sufferings in their Eſtates, reſent likewiſe that the Prelates Power is predominant, and ruleth over the State as much as over the Church: And both Sorts of Perſons prove that the Courage and Succeſs of your Buſineſs, is the only Means they ſee moſt conducible for ſettling, not only of your Religion and Liberties, but alſo of theirs; and it is averred, that if you will come in, they will ſhew their Reſpect really for you, for the Good of Religion, for vindicating the King's Honour and Peace of both Kingdoms: Theſe are for your Encouragement.

'On the other Hand, if the *Engliſh*, who now, for the moſt Part, are diſcontented, and favour you, ſhall happen to be diverted; and that you may be drawn in the Midſt of *England*, and be ſcarce of Money or neceſſary Ammunition, the Hazard may prove ſo great, and the Buſineſs ſo important, that it is more than I dare preſume to give you a determinate Advice, tho' there be many pregnant Reaſons for inviting your Coming, as moſt expedient. But of both theſe you may make up your Declaration, and what elſe you pleaſe to add to it. The Lord direct your Counſels to his Glory and your Good.'

Omitted in Vol. X. p. 283, *February* 8, 1641, communicated from a Collection of old Tracts, by *Edward Frewen*, Eſq; of *Suſſex*.

The SPEECH *of Maſter* PLEYDELL, *Eſq*; [a]

Maſter Speaker,

Mr. *Pleydell's* Speech.

'I Have heard, ſince I had the Honour to ſit here, many Grievances preſented; and truly, Sir, my Heart bleeds within me when I think of them, eſpecially thoſe that concern Religion. But what ſhould I ſpeak of Grievances concerning Religion, when Religion itſelf is become a Grievance; nay, the

[a] Choſen for *Weſton-Baſſet*, but diſabled 1643, for being a Royaliſt. *See the Liſt.*

the very Nurſe and Mother of all Grievances, all Scandals, all Reproaches? An. 17. Car. I. 1641. February.

Tantum Religio potuit ſuadere Malorum.

'Sir, not to trouble you with any long Diſcourſe; if I have any Sight, that Bark, both of Church and State, hath a long Time floated betwixt *Sylla* and *Charybdis*, Popery on the one Side, and I know not what to call it on the other; in many Reſpects both alike dangerous, unleſſe the *Italian* Proverbe may alter the Caſe, *God defend me from my reputed Friends, and I will defend myſelf from my profeſt Enemies.*

'Sir, We are intruſted by God, the King, and the Country, with the managing of this Bark, fraught with the Fortunes of three great Kingdomes. Now, ſhould we ſo decline the former Rocke, that we daſh on the other Side, I humbly offer it to this Honourable Aſſembly, whether ſhe might not have juſt Cauſe to ſay, She had changed her Pilot rather than her Condition, and only ſhifted Places to find her Ruine: For, Sir, there is as much beyond Truth, as on this Side it; and would we ſteere a right Courſe we muſt be ſure to keep the Channel, leſt we fall from one Extreame to another, from the Dotage of Superſtition, to the Frenzy of Profaneneſs; from bowing to Idols, to worſhip the Calves of our own Imaginations.

'Sir, I beſeech you conſider what libellous Pamphlets are now printed, what Sermons are preached, not building Hay and Stubble, but utterly ſubverting the Foundations of Truth: What Irreverence in Churches, what Profanation of God's Service, to the Scandall of Chriſtianity, the Reproach of Religion, and the intollerable Griefe of all good Men; of which I may take up the Words of *Petrus de Aliaco* to the Councel of *Conſtance*, *Niſi celeriter fiat Reformatio, audeo dicere, quod licet magna ſint quæ videmus tamen in brevi incomparabilia majora* [b] *videmus, & poſt iſta tam horrenda majora alia audiemus.*

'Sir,

[b] *Sic in Originali*; but I take it to be an Error in the Citator or Printer, as the future Tenſe of *video* makes beſt Senſe with that of *audeo*. E. F.

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'Sir, I take God to Record I am no Man's Advocate, no Man's Enemy; but a faithful Lover of Truth and Peace, and a dutyfull Son of our diſtreſſed Mother the Church of *England*, in whoſe Behalfe, and our own, my Motion ſhall be ſhortly this: That the Miniſters' Petition, with ſo much of their Remonſtrance as hath been read, may be committed; and the reſt of it, concerning Matter of Doctrine, may be referred to ſome learned and approved Divines, as have ſpent their Time in that noble Study. For give me Leave to tell you, There is a *Vulgus* among the Clergy, as among the Laity, *Et in utroque nil modicum*; and for theſe and all Things which ſtrike at the Root and Branch, as they pleaſe to call it, I ſhall humbly move that we rather conſider how to ſatisfy the Petitioners with ſome timely Declaration from both Houſes, of the Lawfulneſſe and Conveniency of Epiſcopall Government, derived from the Apoſtles, and ſo long eſtabliſhed in this Kingdom, rather than venture upon any Alteration, the Conſequence whereof the wiſeſt Man cannot foreſee: And, in Truth, Sir, ſhould we once begin, for my own Part, I know not how, or where we ſhould ſtay.

'Nevertheleſſe, if any one doubt the Superiority of Biſhops over Prieſts and Deacons in Eccleſiaſticall Government, or in Ordination, I ſhall be ready, whenſoever this Houſe ſhall command me, to make it good, and I think by as pregnant Teſtimonies, as we are able to prove the Difference betwixt Canonicall and Apocryphall Scripture, the Neceſſity of Infants Baptiſme, or that the Apoſtles were the Authors of their owne Creed: But, Sir, I hope you will ſave yourſelf and me that Labour, and rather deviſe of ſome ſet Way to binde up the Churches Wounds, which God knowes are too wide already; that ſo the Clergy and Laity being made Friends, and all reduced to the Model of our Anceſtors ſince the Reformation, we may altogether preſerve the Unity of the Spirit, in the Bond of Peace; and ſo his Majeſty having graciouſly and prudently expreſt himſelf, I am the more confident we ſhall not only put an End to all Miſintelligence betwixt Prince and People,

People, but alſo highly advance the Proteſtant Cauſe, and give a deadly Blow to the See of *Rome*. An. 18. Car. I. 1642. June.

'Sir, I humbly crave the Favour of the Houſe, for God is my Witneſs,

Non potui aliter liberare Animam meam.'

The following Letter was directed to Sir *Thomas Lyttelton*, Bart. at *Weſtbury*, in *Buckinghamſhire*. It was found amongſt that Gentleman's Papers, and communicated by his Grandſon, Dr. *Charles Lyttelton*, now Dean of *Exeter*.—The Letter is myſterious enough, and evidently ſhews the extreme Jealouſy and the Danger of holding Correſpondence in thoſe Times.

Dear Couſin,

'THIS Morninge was deliuered, vnto mee, a Paper without Name, but not without Date or frendly Expreſſions, which conueye mee to the Owner with more Eaſe than Men are knowne by their Words in theſe Days. A Letter to Sir *Thomas Lyttelton*.

'You haue put new Obligations vpon mee, in preſentinge my Seruiſes in the right Place; the Receiuor is a Man of fewe Words, vnleſs this Tym hath changed his Nature, and render'd him longe-wynded with our new Predicators; he knowes my Minde, and ſo do you too, which ſhall neuer fayle him or you.

'Wee are here vpon the verticall Poynte, and, like Men in a Storme, begin to ſhifte for ourſelues; if your Poſture bee made good, ours muſt change; like Bucketts in a Well, when you are up we are down; and where you muſt keepe vs, or wee ſhall ryſe agayne.

'Mony is at Ebb with vs; a dead lowe Water. Yeſterday Committees of both Houſes were anglinge amongſt the Stranger Merchants, and caughte about 6000*l.* in Subſcriptions; Subſcriptions bringe no more Mony than Votes drawe Blood.

'Our Grandies are much troubled at the Departure of my Lord Duke of *Buckinghamſheyre*, who was

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was a *Secretis*, and is much feared by his Fellow-Counſellors. His Father, *Holland*, is in Diſorder, and no leſs troubled for the Diſcouery of his Deſeigns, than for his Pouerty, which pinchethe on all Sydes. The Confidenſe had in his Son-in-Lawe is conuerted into reall Feares and Jealouſies, leſt in good Company the Truthe ſhould come out, and bee thrown vp with the Exceſs.

'*Rabbi Arthur* is deafe of Hearinge, and ſupplyes no more; ſick and lame when the Leuye of Horſe was in Queſtion; he knowes how to halte before his Frends. The Couvey of Lords was Yeſterday impeachte in the Houſe of Commons vpon their Letter, and this Morninge the Impeachment was caryed up by your good Frend Mr. *Hollis*, who made a very eloquent Oration.

'The Labour in the Houſe of Commons was great to haue made this Refuſall to bee the Grounde of a Civil War, and in that Caſe to have them lyable to Forfeiture only of Goods and Lands; but, after a longe Debate, ſome of their Friends declared their Senſe againſt it, and turn'd it quite off; inſomuch that the Queſtion being put, Whether it ſhould be layd by, it was carried in the Affirmative; and not a Man that had ſpoken againſt the layinge of it by, gaue a Negative to it; ſo that the Impeachment reachethe only to Miſdemeanor vpon the ſlighte and ſcornfull Anſwer.

'This is the firſt perſpicuous Blowe that hath ben giuen them theſe many Monthes, and may proue ominous, ſinſe many fell from them that were wonte to ſticke, and begin to ſhrinke in the Wettinge.

'Our Waters ryſe or fall accordinge to your Motions: At the Poole of *Betheſda* the Waters were to bee troubled before they could be medicinable; I wiſh the ſame Angell amongſt vs, ſinſe I dare not wiſhe more Trouble.

'The laſt Declaration is taken for a Cutter; your Caualieros certainly had a Hande in it; it cuts lyke a two-edged Sworde: If you ſend any more of ſuch Cutters, you may cleaue us in Peeces.

'If

'I thank my Countrimen for being my Countrimen; they ſhall bee my Countrimen ſtill; not the *Eſſex* Calves, who play'd the Men at *Chemsford*, and made Shewe only of ſome ſeauen Horſe; very few Gentlemen appear'd. An. 18. Car. I. 1642. June.

'You may take an Acounte of your Feyld-peeces at *Yorke*; the Lord that ſtay'd them is come to you, and truly it was the moſt notorious Peece of Seruiſe done in the Militia. I wayted on my Lady to giue her the joyfull News, but ſhe conceiued that it would reache you before your goinge from *Weſbery*.

'When my Name comes in your Way, you may promote it as you ſee Occaſion, wher you have begun; and if you giue mee Intelligence of your Reſolutions there, I ſhall conforme to the Neceſity.

'Wee have ben, are, and may bee, of great Vſe here, to repell Surprizes, and to bear vp our Frends, and gayne vpon our Aduerſaries. If it receiue any other Conſtruction with him whoſe Companion you now are, I ſhall take it as a Fauour to bee informed, and ſhall applye myſelfe to that which may bee moſt agreable to his Pleaſure who hath Power to commande in all lawfull Seruiſes. [a]

Your f. Frend, &c.

June 11, 1642. J. H.

'I haue taken the Liberty to enlarge, becauſe I confide in the Meſſinger; and if you putt your Letters into Secretary *Nicholas*'s Packett, they may come ſafly into my Hands, by Mr. *Spenſer*, Reſident here.

'Make no Shewe of my Liberty, but wher you are uery ſafe, and parte not with it; the Tyme is tyckliſhe, and Caution is moſt neceſſary.'

[a] It ſeems by the laſt Paragraph that Sir *Thomas Lyttelton* was then with the King at *York*, and not at *Weſtbury*.

An. 21. Car. I. 1646. January.

Two ACQUITTANCES, *ſigned by the Deputy-Treaſurer of the* Scots *Army, for Two Hundred Thouſand Pounds, appointed and agreed to be paid by the Kingdom of* ENGLAND *to the Kingdom of* SCOTLAND, *by Articles of Agreement made between them.*—Communicated by Dr. *Grey.*

The Deputy-Treaſurer of the *Scots* Army's Acquittance for 100,000*l.*

'KNow all Men by theſe Preſents, That upon the One and Twentieth Day of *January*, One Thouſand Six Hundred and Forty-ſix, I *John Drummond*, Deputy to Sir *Adam Hepburn*, Knt. Treaſurer to the *Scots* Army in *England*, have, according to certain Articles of Agreement, agreed upon between the Committees of Lords and Commons of the Parliament of *England*, and Commiſſioners of the Parliament of *Scotland*, authorized thereunto by the Parliament of each Kingdom, reſpectively bearing Date the Three and Twentieth Day of *December*, One Thouſand Six Hundred and Forty-ſix; and in purſuance of the ſame, and in the Time, Place, and Manner therein preſcribed and appointed, received of *William Gibbs*, Eſq; Alderman of the City of *London*, and *Thomas Noell* and *Francis Aſhe*, Eſqrs. appointed by an Ordinance of both Houſes, of the Sixteenth of *November* laſt, to be Truſtees for the Monies ariſing upon the Sale of Biſhops Lands, the Sum of Eighty-eight Thouſand Pounds Sterling, which, together with Twelve Thouſand Pounds received at *London* by the Commiſſioners of *Scotland*, in the Name and for the Uſe of the Kingdom of *Scotland*, for which the Commiſſioners have given an Acquittance, is in full for the Payment of the firſt Hundred Thouſand Pounds, appointed and agreed to be paid by the Kingdom of *England* to the Kingdom of *Scotland*, by the ſaid Articles of Agreement. In Witneſs whereof I have hereunto put my Hand and Seal the Day and Year firſt above-written.

J. DRUMMOND, *Commiſſar. Deputt.*

Sealed, ſubſcribed, and delivered in the Preſence of

Pembroke and *Mont.*	*John Coke*	*Rich. Minors*
B. Denbigh	*Jo. Mylles*	*Rob. Hilliard*
Edw. Montagu	*Richard Brown*	*Will. Hum-*
Phi. Skippon	*Tho. Richardſon*	*barſtone*
J. Holland	*Nathan. Sterrop*	*Wm. Everard.*

Know

'KNow all Men by theſe Preſents, That upon the Third Day of *February*, One Thouſand Six Hundred and Forty-ſix, I *John Drummond*, Deputy to Sir *Adam Hepburn*, Knight, Treaſurer of the *Scots* Army in *England*, have, according to certain Articles of Agreement, agreed upon between the Committees of Lords and Commons of the Parliament of *England*, and Commiſſioners of the Parliament of *Scotland*, authorized thereunto by the Parliaments of both Kingdoms, reſpectively bearing Date the Three and Twentieth Day of *December*, One Thouſand Six Hundred and Forty-ſix, and in purſuance of the ſame, in the Time, Place, and Manner therein preſcribed and appointed, received of *William Gibbs*, Eſq; Alderman of the City of *London*, and *Thomas Noell* and *Francis Aſhe*, Eſqrs. appointed by an Ordinance of both Houſes, of the Sixteenth of *November* laſt, to be Treaſurers of the Moneys ariſing upon the Sale of Biſhops Lands, the Sum of One Hundred Thouſand Pounds Sterling, which is in full Payment of the ſecond Hundred Thouſand Pounds, appointed and agreed to be paid by the Kingdom of *England* to the Kingdom of *Scotland*, by the ſaid Articles. In Witneſs whereof I have hereunto put my Hand and Seal, the Day and Year firſt above written, [1]

An. 21. Car. I. 1646. February.

Another Acquittance for the like Sum.

J. DRUMMOND, *Commiſſar. Deputt.*

Sealed, ſigned, and delivered, in the Preſence of

Ph. Skippon	*Tho. Richardſon*	*Jo. Mylles*
John Ward	*Ro. Woolſey*	*Rich. Deane*
J. Pine	*Wm. Everard*	*Wm. Skippon*
J. Potter	*Will. Humbarſtone*	*Tho. Jenkins.*

[1] [illegible] ſays, (*Hiſtory of the Family of the* Stuarts, *p.* 313) That a ſecret Agreement was made with the *Scots* Commiſſioners, *Dec.* 8, 1646. That when One Hundred Thouſand Pounds came to *Tadcaſter*, in *Yorkſhire*, the *Scots* ſhould give Hoſtages to quit all their Quarters, Poſſeſſions, and Garriſons, on the South Side of *Tyne*, within ten Days; and upon Delivery of the other One Hundred Thouſand Pounds, on the North Side of *Newcaſtle*, the *Scots* ſhould give Hoſtages to remove out of *England*, and quit the Counties of *Berwick* and *Carliſle*, within ten Days. There were other Two Hundred Thouſand Pounds talked on, but the *Scots* were to take the Parliament's Word for it. *Inquiry*, How this agrees with the two preceding Acquittances.—Dr *Z. Grey*.

[illegible] Acquittances were taken from the Originals,

An. 22. Car. I. 1646. June. The following Letter was ſent to one of the Compilers of this Hiſtory, incloſing two Originals; Copies of which we think proper to ſubjoin, as authentic Evidences of Archbiſhop *Williams*'s Defection from the Royal Cauſe, tho' he had been raiſed and ſupported by it.

Plaſgwin, in Angleſey, February 9, 1760.

SIR,

YOU have publiſhed, in the Beginning of your Fifteenth Volume of the Parliamentary Hiſtory, *Col.* Mitton's *Letter relating to Archbiſhop* Williams's *declaring for the Parliament, dated* June 15, 1646.—*I ſend you one wrote the 8th of that Month, by the Archbiſhop, to Col.* Bulkeley, *and other Gentlemen of* Angleſey, *who defended the Caſtle of* Beaumaris *for the King. If there had been wanting any Evidence fully to confirm his Grace's Favour to the Parliament, this Letter would ſupply that Defect. He joins King and Parliament together, which was the Doctrine of the Preſbyterians of thoſe Days. He ſuppoſes the King to be ſatisfied with the Covenant, and that* Mitton's *Men, in Rebellion againſt the King, prayed as zealouſly for him as the Lord* Byron's *People, who immediately acted under his Royal Authority.*

I alſo incloſe to you, of the ſame Date, the very animated Reply of Col. Bulkeley, *and the other Gentlemen of the Caſtle. I am, Sir,*

Your very obliged humble Servant,
PAUL PANTON.

To my much-honoured Friends and Couſins Col. Richard Bulkeley *Lieutenant-Colonel* Robinſon, *Major* Lloyd, *and Capt.* Johns, *at* Beaumaris *Caſtle,*

My very worthy Couſins,

Archbiſhop *Williams*'s Letter to the Governor, &c. of *Beaumaris* Caſtle.

"BY a Letter and ſome Papers ſent unto me from the Gentlemen at *Boreowe*, the laſt Night, I perceive that you have poſſeſſed yourſelves of the Caſtle of *Beaumaris*, and without the Approbation of the Gentlemen and Chief Commanders of the County;

County; ſo (which I was very glad to find) without any ſuch Oppoſition to the King and Parliament, but may be eaſily reconciled, if you do not delay it too long. This is a great and powerful Body, and will not be capitulated too much withall, eſpecially by a few Gentlemen, who have ſurprized a Caſtle in a Time of Treaty, at the beſt; but as they mainly affirm, when all Conditions were agreed upon, and they had relied and confided on the Lord *Bulkeley* and the Commiſſioners' Aſſurance. I beſeech you, therefore, for your own Good, and the Good of the Country, to give General *Mitton* ſome ſpeedy Contentment, as I underſtand you have written unto him already a very civil Letter; and that may be with taking ſome Part of his Men preſently into the Caſtle, my Couſin *Bulkeley* holding ſtill his Commands as a Conſtable untill your Propoſitions be debated: For to keep all the Men as mere Strangers doth put a Slur upon the Major-General, and, thro' his Sides, upon that great Body of the Eſtate whoſe Miniſter he is. And for thoſe in the Town, they may mingle with the Town-Guard, and have no Cauſe to complain they are looked upon like Enemies: Or ſome other fair Reſpects (which my Couſin *Robinſon* underſtands better than I) may be put upon them; and thoſe Articles of ſuffering them to paſs away, if they be recalled elſewhere, ſet aſide. And God forbid they ſhould have any Cauſe to demand ſuch Articles; it may be theſe are of the beſt Servants the King hath, if his Majeſty be with the *Scots*, and is ſatisfied with the Covenant. I am ſure they ſpeak as well, and pray as zealouſly for the King, as my Lord *Byron*'s People did; and may he never thrive that doth otherwiſe. The King is gracious, and takes no Delight that his Servants ſhould be ruined and beggar'd to no Purpoſe, but to comply with the Humour of ſome few, and thoſe none of the wiſeſt Commanders. I am your near Kinſman, acquainted with all your Fathers and Grandfathers, and have no other End upon you beſides your own Preſerva-

An. 22. Car. I. 1646. June.

An. 22. Car. I. 1646. June. tion from Danger and Ruin; and I beſeech you ſo to interpret this Letter of

Your affectionate Friend and Kinſman,

JO. EBORAC.

Penryn, this 8th Day of *June*, 1646.

May it pleaſe your Grace,

The Anſwer. 'COlonel *Bulkeley* hath poſſeſſed himſelf of this Caſtle, upon no other Grounds than the juſt Intereſt your Lordſhip well knows he, together with his Father, hath in it by Patent from the King, it being then upon Surrender without either his Privity, or the Country's general Conſent; ſo it cannot bear the Name of a Surprizal, but the Maintenance of his, in Subordination to his Majeſty's Right. And whereas it is mainly affirmed, that this was done after Agreement made, we'll aſſure your Lordſhip we have earneſtly deſired to ſee the Conditions for the Security of the Inhabitants of the Iſland, but could ſee none, not ſo much as for the Officers and Soldiers of the Garriſon, who being without Articles diſbanded, were ſtill liable to Impriſonment, or to be diſpoſed of as the Parliament pleaſed; who, tho' never ſo powerful a Body, may and ought to be ſo far capitulated with, as to know upon what Grounds to ſtand. Our Agreement with the Commiſſioners for Ceſſation from Hoſtility, (though admitting no Party into the Caſtle, nor mingling of Town Guards) cannot but give General *Mitton* Satisfaction enough for the preſent: When Things ſhall be fairly debated and concluded upon, by univerſal Content, we ſhall then be willing to give and receive Hoſtages for their Performance on both Sides; and That we conceive to be the more Soldier-like Way. And as for the Article for their free Departure, if recalled, it was of their own Suggeſtion, nor ſay we God forbid they ſhould have Cauſe to demand ſuch. We are glad your Lordſhip is now of Opinion that theſe will prove his Majeſty's beſt Servants, who, the World knows, is in Perſon with the *Scots*; tho' his being ſatisfied with the Covenant,

we

we dare not ſo much as imagine; and if to judge of theirs and the Lord *Byron*'s People's Prayers, we leave to him to whom all Prayers ought to be directed; but join with you in the Imprecation, May he never thrive that doth otherwiſe. The King we know, and the Parliament we hope, is gracious, will never conſent to the Ruin of a whole Country, out of a Compliance with the Humour of ſome (whom we queſtion not) whoſe Experience cannot call them Commanders; we ſhall therefore, by all Means poſſible, ſtudy to prevent it, and, with the thankful Acknowledgment of your Care and Advice, remain An. 23. Car. I. 1647. June.

Your Grace's moſt humble Servants,

RICHARD BULKELEY,
JOHN ROBINSON,
DAVID LLOYD,
HENRIE JOHNS.

The two enſuing Letters were overlook'd, in a Pamphlet in our Collection, which ſhould have been inſerted in the Hiſtory, Vol. XVI. p. 28 and 31.

To the Right Honourable the COMMISSIONERS *of* PARLIAMENT *at* St. Albans,

My Lords and Gentlemen,

'IN Anſwer to the Letters of the Houſe of Commons, which we received from you this Day, expreſſing their Readineſs to receive any Particulars, and to hear any Witneſſes againſt the Gentlemen impeached by the Army, we ſhall be bold to mind you, that the Remonſtrance ſent to you the laſt Night, to be preſented to the Houſes, doth expreſs the Deſires of the Army to have the Members charged to be ſuſpended from ſitting in the Houſe; which (if not granted to us) we know their Intereſt and Prevalency is ſuch, that we can expect but ſmall Fruit in a further Proceeding, except the Deſires of the Army be anſwered therein: Nor can we hope for Good to the Kingdom, or Settlement of an happy Peace, as long *Ruſhworth*'s Letter to the Commiſſioners of Parliament.

An. 23. Car. I. 1647. June.

long as Men of their Intereſts and Prevalency have Power to juſtify themſelves and Practices; who, that they may be able to effect it, do endeavour, by all Means poſſible, to inflame this Kingdom in a ſecond War; to which we ſhall be forced, to the uttermoſt of our Powers, to apply a timely Remedy, as being the only Way and Means we know of to prevent the involving this Nation again in Blood, than which nothing is more odious unto us.

By the Appointment of his Excellency Sir Thomas Fairfax *and the Council of War,*

St. Albans, June 24, 1647.

JOHN RUSHWORTH.

To the Right Honourable the LORD MAYOR, ALDERMEN, *and* COMMON COUNCIL *of the City of* LONDON,

My Lords and Gentlemen,

From the ſame to the City of *London.*

WE have in all Things dealt clearly and plainly with you, and hope we ſhall continue ſtill to do ſo. As ſoon as the worthy Aldermen and the other two Gentlemen, your Commiſſioners, came the laſt Night to us, we acquainted them with our Purpoſe to draw the Head-Quarters to *Uxbridge*, that ſo we might contract our Quarters, which have hitherto lain ſcattered; at which Place we hope to receive that which will be Satisfaction to the Kingdom, and will remove Obſtructions out of the Way of Juſtice; wherein, if Right were done, we ſhould let you and all the World ſee, that we would be ſo far from preſſing near your City of *London*, it ſhould be indifferent to us to march not only to the Diſtance preſcribed, but to any Part of the Kingdom we ſhould be commanded to by the Parliament.

'We have aſked nothing hitherto but Right, in the Things that are known, as if they were proved an hundred Times before them from whom they have fought them; which, if granted, would not only be a Juſtice to the Army, but would let the Kingdom ſee the Fountain in a Way to be cleared, with

without which nothing of Force or Power would be a Security to any Man. We wiſh the Name of *Privileges* may not lie in the Balance with the Safety of a Kingdom, and the Reality of a Kingdom, and the Reality of doing Juſtice; which, as we have ſaid ſo often, we cannot expect whilſt the Perſons we have accuſed are the Kingdom's and our Judges. A little Delay will endanger the putting the Kingdom into Blood; notwithſtanding what hath been ſaid, if it be conſidered, that in *Wales*, beſides under-hand Workings in your City and other Places, Men are raiſed, and that in no ſmall Number; and are not thoſe Men in the Parliament, who have continued faithful to the Principles of common Intereſt from the Beginning of this Parliament to this very Day, ſtill awed by the Concourſe of Reformado Officers and others to their Doors. Expence of Time will be their Advantage only, who intend to bring evil Purpoſes to paſs. An. 23. Car. I. 1647. June.

'We have written this to you for your Satisfaction, that ſo nothing may be done without giving you a perfect Account of our Intentions and Ends; and ſtill to continue our Aſſurance to you, that, ſhould Neceſſity bring us nearer to the City, our former Faith given you ſhall be obſerved inviolably, there being nothing more (next to the Good of the Kingdom) in our Thoughts and Deſires than the Proſperity of your City.

By the Appointment of his Excellency Sir Thomas Fairfax *and the Council of War,*

Barkhamſtead, June 25, 1647.

JOHN RUSHWORTH.

In

An. 24. Car. I. 1648. January.

In the Eighteenth Volume of this Hiſtory, at Page 545 and 6, there is Mention made of an Embaſſy ſent from *Holland* to the Parliament of *England*, in order for them to ſtop Proceedings againſt the King, in regard to the taking away his Life; but nothing is there given of what theſe Ambaſſadors remonſtrated to the Parliament on that Occaſion. We have ſince been favoured with the Loan of a curious Manuſcript, communicated by the Rev. Mr. *Noble*, Reader of *Gray's-Inn*, in which this Remonſtrance of the States General is included; ſeemingly taken from the *Journals* of the Houſe, tho' there is no ſuch Matter in the printed Volumes of them.

We ſhall give this Anecdote in the ſame Form it is in the Manuſcript, with the following Inſertion, wrote in a different Hand, on the firſt Page of it; obſerving only, that their High Mightineſſes were very late in their Interceſſion for Mercy, and that their Remonſtrance itſelf is worded in ſo dark and tender a Manner, as if they meant that little Good ſhould come of it. By no Means equal to the high-ſpirited Reply of the *Engliſh* Parliament which follows it.

AFTER Peruſal of all or moſt of the Hiſtories, Collections, and Books of the ſeveral Authors, relating to the Civil Wars of England, *from* 1640 *to* 1660, *and Search into the Paper Office, Parliament Office, and* Journals *of the Houſe of Commons, and Inſpection of the* Harleian *Library, I never could find the following Memorial; and, diſcouraged from finding it in the Archieves of the States General, I at laſt found the ſaid Memorial,* inter alia, *in a Volume I purchaſed at the Sale of Mr.* William Dickenſon's *Library, late Surgeon to St.* Thomas's *Hoſpital, ſold at* Exeter Exchange, Anno 1719.

Memorandum. *The above is in Mr.* Granger's *Writing. Mr.* Dickenſon's *Catalogue may be ſeen in Sir* Hans Sloan's *Library.*

The

The STATES GENERAL's MEMORIAL *to ſtop Proceedings againſt King* CHARLES I. *preſented to the Parliament*, 1648. An. 24. Car. I. 1648. January.

Die Veneris, 26 *Januarii*, 1648.

Mr. Speaker informed the Houſe, that Advices have been made to him by ſome Agents from the Ambaſſador of the States General of *Holland*, who certified him, that Ambaſſadors from the States in *Holland* were at *Greenwich*, and deſired him to acquaint this Houſe therewith.

Die Lunæ, 29 *Januarii* 1648.

A Letter from the Ambaſſadors of the States General of *Holland* to the Speaker of the Parliament, with this Superſcription, *A Monſieur Monſieur* Guillaum Lenthall, *Eſquier*, *Orateur de l'Honorable Maiſon des Communes du Parliament d'*Angleterre, was this Day read in *French*, and then *Engliſhed*.

Tranſlation of the ſaid Letter in Engliſh.

S I R,

'WE do ſend you here the Letters of Credence which it hath pleaſed our Lords the States General to write to the Honourable Houſe of Commons, and pray you to preſent the ſame with the firſt Convenience, becauſe that yet this Morning, if it be poſſible, may be reſolved about our Audience; which we demand with ſo much the more Inſtance, becauſe we have Things to propoſe which do concern the Good, Tranquility, and Security of this Kingdom, and the State of the United Provinces; of which the Intereſt, for ſeveral Conſiderations, ſhould be alſo united, that the ſame be not eaſily ſeparated; whereupon we pray God, Sir, to keep you in his holy Protection, and do reſt

The States General's Remonſtrance in Favour of the King.

Your well-affectionated Servants,

ADRIEN PAWE,
ALB. JOACHIMI.

Re-

An. 24. Car. I. 1648. January.

'Reſolved, That the Ambaſſadors of the States General of the United Provinces of *Holland* have Audience in the Houſe at Three o'Clock this Afternoon. Mr. *Allen*, Mr. *Chaloner*, Mr. *Oldſworth*, Mr. *Marten*, and Sir *John Danvers*, or any two of them, to conſider of Entertainment to be given to the Ambaſſadors.'

The Ambaſſadors had Audience that Day accordingly.

Die Martis, 30 *Januarii*, 1648.

Mr. Speaker reported to the Houſe what was delivered by the Ambaſſadors.

A TRANSLATION *of the* PROPOSITIONS *of the* AMBASSADORS *from the* STATES GENERAL, *delivered in the Houſe, and ſent by them to Mr. Speaker.*

Right Honourable,

'THE States General of the United Provinces of the *Low Countries*, our Superiors, have ſent us into this Kingdom of *England*, in the Quality of their Ambaſſadors Extraordinary and Ordinary, with Order expreſs to wiſh to this Honourable Aſſembly of the Parliament of *England*, all Proſperity and Felicity on their Part, as alſo Tranquility and Peace to the ſaid Kingdom, and to the whole *Engliſh* Nation, with Offer and Aſſurance of their true Affection to their Service and Contentment, and for the common Good of all the People in general, to which their High and Mighty do find them ſtrictly obliged by the common Intereſt between this Kingdom and their State; and more particularly by the Merits and many good Deeds which have been beſtowed by the ſaid Kingdom, in ſeveral and important Occaſions, to their State.

'And whereas, ſince the Beginning of the Troubles and Wars in the *Low Countries*, the States of the United Provinces have had a Deſire to preſerve, chiefly, the Amity and Good-will of this Kingdom, and that the ſame might be preſerved into a firm Peace, Union, and Reſt, in Conſideration of its Religion, Strength, Situation, Navigation, Commerce, and Traffic,

Traffic, and the Intereſt on both Sides in general and in particular, becauſe that, by theſe Means, the Good of the Common Cauſe might be maintained and advanced; and particularly for the Comfort of the Oppreſſed, by which this redoubtable Kingdom hath heretofore given and ſhewn notable Effects, and could contribute yet more and more, continuing in good Peace and Concord. Their High and Mighty do acknowledge that the Enemy of the Common Good, looking with an envious Eye, and apprehending the Proſperity and great Forces of this Kingdom, have endeavour'd, by their ſubtle Treatings and bad Practices, to ſow and bring forth the moſt dangerous Seeds of Diffidence and Diviſion, which ought to be ſmothered before it doth increaſe, and ſet forth and do more Hurt, becauſe it ſhould not give Place, nor be a Means to the ſaid common Enemies, that the ſame ſhould come to their Deſign, for which they have laboured long ſince; to wit, for to bring, and to keep, this Kingdom into Combuſtion; and alſo being weakened, and without Power within, it ſhould be leſs conſiderable for his Friends without, and the leſs conſiderable from the Enemy; upon which muſt follow a Caſting-down and Bruiſing of all that hath been built and made ſure upon its Foundation: The which arriving, the ſame Enemy will endeavour, without Doubt, to invent all Kind of Artifices, not only for to trouble the two Kingdoms of *Great-Britain*, but alſo to ſet them into Factions, and to make them fall and conſume into inteſtine Wars. An. 24. Car. I. 1648. January.

'Now, the ſaid Lords the States General have perceived, with extreme Diſpleaſure and Sorrow, all which is aforeſaid, and have thought it to be their Endeavour not to put off long the ſending of their Ambaſſadors to this Honourable Aſſembly of the Parliament; and with an affectionate Heart to the Peace, as alſo for their own Good, and the greateſt Surety of their State, do offer their Service and Employ for to help to the taking away of their mutual Diffidence; and that all Jealouſy, Miſunderſtandings, and Attentates may ceaſe which have happened.

Their

An. 24. Car. I. 1648. January.

'Their High and Mighty do moreover declare, That their Intention hereby is not to undertake this upon any Presumption that they do intend to meddle or to intermeddle with the Affairs of such a great and potent a Kingdom; but rather to acquit themselves of a Christian Office, which becomes antient Friends, Allies, and near Neighbours. And, on the other Side, for Reciproquement, to contribute to such-like Advice and Assistance, the which they have in former Times truly received from this Kingdom of *England*, and employ to their great Advantage. Moreover, their High and Mighty do surely persuade themselves that there is no State in Christendom more proper and better disposed than theirs; for, in the present Constitution of Time and Affairs of *England*, to admonish and to persuade the one and the other to Peace and amicable Concord, and to whom, with less Apprehension and Umbrage, may be given Credit and Belief, being that their foregoing Actions, as well concerning the Point of Religion as that of the Government, have always been sufficient Proofs of the Sincerity of their Intentions and Proceedings, in regard of the present Occasions of the Kingdom of *England*.

'Forasmuch as concerns the Affairs of the State of the said Lords the States General, they have heretofore endeavoured, on all Occasions, to please and do agreeable Service to this Kingdom; and persisting yet in the same good and most sincere Will, they find themselves more interested in its Well-being and Conservation, as much for the Common Interest, as for the notable Interest of their State in particular. The End of their High and Mighty in this Negotiation, is not for to recommend in appeasing of Affairs in a faint and dissembling Manner, and converse only with an outward Shew and little Assurance within; but an upright and perfect Re-union of Hearts, built upon a sure and firm Foundation of a true Peace and Tranquility, which may produce a perfect Correspondence together of Souls and Wills.

It

'It being then alſo, Right Honourable, that for to obtain ſuch a great Good, as well for this Kingdom as for our State, it will be expedient, if not neceſſary, to put by the Obſtacles which will render the Remedies more difficult, or increaſe the Harms which are threatened from all Parts, to which the ſaid Lords the States do judge, that the Perſon of the King is ſo much conſiderable as well within as without this Kingdom, that what may happen or arrive to him, be it for Good or Harm, may ſweeten or make ſour the Affairs, and make a whole Change, and that this Honourable Aſſembly is fully inform'd how much the Preſence of the King may contribute to keep the People in Order, the Kingdom of *Great-Britain* in Union, and that to every one be given all Sort of Satisfaction of Surety, of Honour, and of Glory, with a total and eternal Oblivion of Things paſt. An. 24. Car. I. 1648. January.

'And elſewhere that there be many great Kings and Princes allied in Chriſtendom, to the which, by Blood and Alliance, his Royal Perſon doth belong ſo near, that they will, without Doubt, much be touched with that which will be extraordinarily or exemplarily executed to his Perſon; and to the contrary, if the King be preſerved, he will, without Doubt, more and more be obliged to follow not only all good Advice and Counſels, but alſo refer much to the Negotiation and Interceſſion of them, who do now offer to be employed for the Good of the Kingdom, and do intercede for the Conſervation of his Perſon; and in Caſe, Right Honourable, that the Buſineſs ſhould go further, (which God forbid) it would be a Thing irreparable, and to which hereafter how much there ſhould be a Good-will, none would bring any Remedy, or Solagement, we do find us obliged, in the Name of our Superiors, ſo near allied to this Kingdom, Lovers of your Well-being and Reſt, and your true Friends, to make the Prayer much intently to this Honourable Aſſembly, that the ſame will (according to their Power) keep back all outward Proceedings to the Perſon of the King, and particularly that no Exe-

cution

An. 24. Car. I. 1648. February.

cution be done that will take away his Life; and the Inſtances for to do more Service concerning the Peace of this Kingdom, or of the People of *England*, and to come with the firſt with us in outward Communication of all that is to be done, for to appeaſe the contrary Humour, ſettle a good mutual Amity and Concord, and bring this Kingdom again into the Weal and Proſperity in which our Superiors, with all their Hearts, deſire to ſee it; which they will ſecond with all Means poſſible.

'Upon which waiting a favourable Anſwer of this Honourable Aſſembly, we are ready every Hour to make Overtures more ample to the ſame, and, if Need be, to give, in another Audience, Reaſons more efficacious for to declare the Neceſſity of the Conſervation of the King's Life, and to contribute all good Means and Offices for to fulfill ſuch a great Work, and ſo neceſſary for the Good of Chriſtendom.'

Pronounced in the Honourable Houſe of Commons of the Parliament of England, *by the Ambaſſadors Extraordinary and Ordinary, and delivered in Writing this* 30*th of* January, 1648.
9*th of* February, 1649.

Was ſubſigned ADRIEN PAWE,
ALB. JOACHIMI.

Die Jovis, 15 *Februarii*, 1648.

Mr. Speaker read the Anſwer of the Houſe unto the Ambaſſadors Ordinary and Extraordinary from the States General of the *United Provinces*, in theſe Words, *viz.*

Right Honourable,

'WE, the Commons of *England* aſſembled in Parliament, upon due and ſerious Conſideration of your Lordſhips Addreſs made to this Houſe the 29th of *January* laſt, and your Papers preſented the 30th of the ſame Month, do, in the firſt Place, return our many and hearty Thanks unto

unto the High and Mighty Lords the States General of the United Provinces, for their ſundry good Deſires, friendly Acknowledgments, well Wiſhes, and fair Reſpects to the Parliament and People of *England*, in theſe Papers contained; earneſtly deſiring, on our Parts, a firm and durable Continuation of the antient Amity and Alliance formerly made and often renewed betwixt both theſe Nations, whereunto we hold ourſelves obliged, as having well weighed and obſerved that no Leagues or Confederacies have at any Time been made upon Foundations of more joint and common Intereſt in every Reſpect, than thoſe of the People of *England* with the *Netherlands*; and therefore it is our moſt earneſt Deſire that a firm Peace, right Underſtanding, and good Correſpondence, may be inviolably maintain'd betwixt both Nations for the preſent, and moſt exactly obſerved for the future. An. 24. Car. I. 1648. February.

'And whereas your Lordſhips, in the Name of the States General, do gravely adviſe us concerning the Perſon of the King, who was then in Part, and hath ſince been more fully proceeded againſt according to Juſtice, in a Court eſtabliſhed by the ſupreme Authority of this Nation, for his tranſcendent Offences, and thoſe not committed in a Corner: We are confident that both the High and Mighty Lords the States General of the United Provinces, and all other States and Princes who have taken Notice of our late Affairs, will find Cauſe to believe that nothing hath been done therein, but what is agreeable to public Juſtice, and the Fundamentals of this Nation; which certainly muſt needs be better known to us than to any other People or Nation in the World.

'And we ſhall deſire your Lordſhips would, from us, aſſure the High and Mighty Lords the States General, That we ſhall be ever ready not only to hear, but to contribute with them all good Means and Offices to fulfill ſuch Works as ſhall be neceſſary for the general Good of Chriſtendom, as well as for our own.'

In

Inter-regnum. 1649. February.

In Vol. XIX. p. 9, of this History, it is said that the Parliament at *Westminster* had received Advice that the *Scots* Parliament had proclaimed Prince *Charles* King of *Scotland*, &c. at *Edinburgh*; since which we have met with the original Form of the Proclamation, as translated into *French*, and reprinted in *Holland*, in order to let their Prince and the World see on what Terms they would please to admit him, and which they forced him to submit to before his Coronation.

DIEU preserve le ROY.

A *Edinburgh* le quinziéme Jour de *Fevrier*, l'Anneé Mille six cents & quarante-neuf. [a]

The *Scots* Proclamation of King *Charles* II.

LES Estats du Parlement, en cette seconde Session, du seconde Parlement Triannuel, estans maintenant assemblez en Vertu d'un Acte du Committé des Estats, ayant Pouvoir & Authorité du dernier Parlement de faire assembler le Parlement; considerants, que comme ainsi soit, que le Roy regnant dernierement, ait esté osteé due Monde par une Mort violente, contre le Desaveu, & la Protestation de ce Royaume: Et que par le Benediction de Dieu un vray Heritier & legitime Successeur nous ait esté laissé, assavoir Charles *Prince d'*Escosse *& de* Galles, *maintenant Roy de la* Grande Bretagne, *de* France, *& d'*Irlande: *C'est pourquoi nous les Estats du Parlement du Royaume d'*Escosse, *unanimément & courageusement, en Consideration & Reconnoissance de son juste Titre, & Succession à la Couronne de cesdits Royaumes, nous proclemons par ces Presentes, & publions à tout le Monde que ledit Seigneur & Prince* Charles *est, par la Providence de Dieu, & par un droit legitime d'une Succession & Lignée indubitable, Roy de la* Grande Bretagne, *de* France, *& d'*Irlande; *aquel tous les Subjects de ce Royaume sont obligez d'obeir humblement & fidellement, & de la maintenir & defendre selon le Convenant Nationnel, & la Ligue & Alliance Solennelle*

[a] *A Edinburgh, imprimé par* Evan Tyler, *Imprimeur de sa Majesté. Traduite de l'Original, & imprimé à la Haye, par* Samuel Brun, *Libraire Anglois, demurant en l'Adresse-Com, à l'Enseigne de l'Imprimerie Angloise*, 1649.

nelle entre les Royaumes, de leurs Vies & de leurs Biens, contre tous, juſques à la Mort, comme leur ſeul vray Souverain Seigneur & Roy. Et d'autant que ſa Majeſté eſt obligée, par la Loy de Dieu & le Loix Fondamentelles de ce Royaume, de gouverner en Droiture & Equité, pour l'Honneur de Dieu, le Bien de la Religion, & le Profit de ſon Peuple; nous declarons, par ces Preſentes, Que, devant qu'il ſoit receu pour exercer ſon Pouvoir Royal, il donnera Satisfaction á ce Royaume, ſur ces Choſes qui touchent la Seurete de la Religion, l'Union entre les Royaumes, & le Bien & la Paix de ce Royaume, ſelon le Convenant Nationnel, & la Ligue & Alliance Solemnelle; *& à ces Fins nous avons reſolu, avec toute Expedition poſſible, de faire nos humbles & ardentes Addreſſes à ſa Majeſté, en Teſmoing de quoy, nous le Parlement du Royaume d'*Eſcoſſe, *publions noſtre deue & preſente Reconnoiſſance de ſon juſte Droit, Titre, & Succeſſion à la Couronne de ces Royaumes, à la Croix du Marché d'*Edinburg, *avec toutes les Solennitez accuſtomeés en tel Cas: Et nous ordonnons que ſon Nom Royal, Pourtrait, & Seel, ſera mis en Uſage en tous Eſcrits publics & procedez de Juſtice de ce Royaume, & en la Monnoye, comme on avoit accouſtumé de faire à ſes Predeceſſeurs; & nou commandons que cet Acte ſoit publié & proclamé par toutes les Croix de Marché des Bourgs Royaux dans ce Royaume, & qu'il ſoit imprimé, afin que Perſonne n'en pretende aucune Cauſe d'Ignorance.*

Inter-regnum. 1649. February.

DIEU preſerve le Roy CHARLES Second.

Inter-regnum. 1649. July.

A LETTER *from the Right Honourable* JAMES *Earl of* DERBY, *to Commiſſary-General* Ireton, *upon his Summons of the Iſle of* Man. [a]

SIR,

Lord *Derby*'s Letter of Defiance to *Ireton*.

'I Received your Letter with Indignation, and with Scorn return you this Anſwer, That I cannot but wonder whence you ſhould gather Hopes of me that I ſhould prove like you, treacherous to my Sovereign, ſince you cannot be inſenſible of the manifeſt Candour of my former Actings in his late Majeſty's Service, from which Principles of Loyalty I am no whit departed. I ſcorn your Profer, I diſdain your Favour, I abhor your Treaſons; I am ſo far from delivering up this Iſle to your Advantage, that I will keep it to the utmoſt of my Power to your Deſtruction. Take this for your final Anſwer, and forbear any other Sollicitation; for if you trouble me with any more Meſſages of this Nature, I will burn the Paper and hang the Bearer. This is the immutable Reſolution, and ſhall be the undoubted Practice, of him who counts it his chiefeſt Honour to be

His Majeſty's moſt loyal and obedient Subject,

From *Caſtle-Town*, this 12th of *July*, 1649. } DERBY.

[a] This Letter has been printed before, but it breathes ſuch a Spirit of true Courage and diſintereſted Loyalty, as cannot be too often repeated.

In

In the Year 1652 a War between *England* and *Holland* commenced, after many fruitleſs Treaties by Ambaſſadors, *&c.* between the two Republicks had been held, as is curſorily given in our 20th Vol. p. 87, *et citro.* Theſe Affairs, it ſeems, had been miſrepreſented by the *Dutch* to the reſt of *Europe*, which obliged the Parliament of *England* to publiſh a Declaration upon it, together with all the Papers and Negotiations that had paſſed, and to order that they ſhould be tranſlated into *Latin*, *Dutch*, and *French*, for their own Juſtification. It would have too much embarraſſed the Body of our Hiſtory to have inſerted theſe Proceedings in their Series, tho' the Pamphlet they are printed in was then in our Poſſeſſion; we therefore give it a Place here, obſerving, that theſe Affairs are not amongſt *Thurloe*'s State-Papers, nor in any other Collection that we have ſeen.——The Title to this Pamphlet runs thus:

Inter-regnum. 1652. May.

A DECLARATION *of the* PARLIAMENT *of the Commonwealth of* ENGLAND, *relating to the Affairs and Proceedings between this Commonwealth and the States-General of the United Provinces of the* Low Countries, *and the preſent Differences occaſioned on the States' Part. And the Anſwer of the Parliament to Three Papers from the Ambaſſadors Extraordinary of the States General, upon Occaſion of the late Fight between the Fleets; with a Narrative of the late Engagement between the* Engliſh *and* Holland *Fleet. As alſo a Collection of the Proceedings in the Treaty between the Lord* Pawe, *Ambaſſador Extraordinary from the States General of the United Provinces, and the Parliament of the Commonwealth of* England. [a]

Tranſactions relative to, and preceding the *Dutch* War.

'IF the Sufferings of the People of the United Provinces, under the heavy Yoke of their Oppreſſions,

[a] *Friday* the 9th of *July*, 1652, Ordered by the Parliament, That no Perſon whatſoever, without Leave and Licence from the Parliament, do preſume to print the Declaration, intituled, *A Declaration of the Parliament of the Commonwealth of* England, *relating to the Affairs and Proceedings between this Commonwealth and the States-General*, &c. nor any the Papers therewith printed, other than the Printer to the Parliament. *Hen. Scobell*, Clerk *Parliamentorum*.

London, printed by *John Field*, Printer to the Parliament of *England*, 1652.

Inter-regnum. 1652. May.

preſſions, before their Deliverance from the ſame by the Mercy of God, be remembered, and the Principles and Spirit which then acted in them, and the ready and conſtant Help which they have had in all Times from this Nation, and that with no ſmall Expence of *Engliſh* Blood and Treaſure, the Returns which they have made towards this Commonwealth will hardly be believed.

'It is not intended to be very particular in mentioning the State of the Affairs of this Commonwealth as it ſtood when oppreſſed by a Tyrant; they were neceſſitated to fly to Arms for Defence of their Lives and Eſtates, becauſe in Parliament they did but aſſert and deſire the ſettling of their juſt and native Liberties; wherein, by ſo many Wonders, in ſo many ſignal Battles, by ſuch a Series of Providence in *England*, *Ireland*, and *Scotland*, the Lord was pleaſed to bleſs a poor Handful, who approved themſelves faithful to that Cauſe.

'Neither is that Endeavour to divide them in the memorable Year of Forty-eight, to be omitted; nor the great Preparations made againſt this Nation in the Year 1650, which neceſſitated their Proceedings in *Scotland*, being refuſed Satisfaction for fore-paſt Wrongs, and denied Aſſurance of Peace from them, who had received the declared Enemy of this Commonwealth from the United Provinces, where that miſchievous Contrivement was hatched againſt *England*, and from whence their Enemies had much open and ſecret Aſſiſtance by the Intereſt of the Prince of *Orange* and others, even at a Time when that Prince and his Adherents were contriving, as was moſt probable, to erect a Tyranny upon thoſe Countries, and to reduce them to their former Bondage, of which he miſſed but narrowly, eſpecially in his Attempt upon *Amſterdam*; which Things are better known there than here, and are not the Purpoſe of this Declaration.

'Neither is it pleaſant to remember that cruel and bloody Buſineſs of *Amboyna* towards the *Engliſh*, for which no Satisfaction at all hath been given, though often

often demanded in that Caſe, and in others not unlike it. Inter-regnum, 1652. May.

'But ſuch was the Affection of this Nation towards the People of the United Provinces, and to the Eſtabliſhment of Liberty, and the Advantages of Traffic and Strength to both; but, above all, to the Advancement of the true Proteſtant Religion which both profeſs, and which, in human Probability, would receive the greateſt Growth by their Friendſhip; and obſerving, in ſome of the Governors and People of thoſe Countries, an Affection to this Cauſe, and particularly expreſſed by them in their free Contribution for the poor Proteſtants in *Ireland*, that ſo ſoon as the Affairs here came, by the Bleſſing of God, to any Conſiſtency, the Parliament did ſend a Reſident to the States-General, who expreſly refuſed to receive him, as themſelves very well know.

'The Affairs here being yet further proſpered by the Almighty, and the Affection and Judgment the ſame ſtill in reſpect of their Neighbours, the Parliament ſent again, and joined with their Reſident there another worthy Perſon, Dr. *Doriſlaus*, who were inſtructed and enabled to ſee if, by any good Means, a right Underſtanding might be had; but one of theſe public Miniſters, Dr. *Doriſlaus*, being come upon this public Employment to the *Hague*, the Place of Reſidence of the States-General, was there moſt barbarouſly and openly murdered, of whoſe Aſſaſſination the World will judge as of an Action moſt abhorred, againſt all Rules of National Intercourſe, and even Humanity itſelf; and how little was done there to attach the Murderers whilſt the Buſineſs was freſh, or hath been done ſince, though often called upon from hence, they well know, and muſt be here remembered.

'On the other Side, the States having formerly ſent their Ambaſſadors, the Lords *Borele*, *Renzwo*, and *Joachimi*, into *England*, in the Time of the late Troubles, pretending all good Offices, which proved to be a Correſpondence with the Enemy, and a Means of aſſiſting them againſt thoſe to whom they were ſent. This, with Reproaches by them caſt

Inter-regnum. 1652. May.

upon the Parliament, was the Work of thoſe Ambaſſadors; for which, how liable ſoever by the Practice of Nations they left themſelves, yet not the leaſt Incivility was offered to them, but their Demeanor made known to their Superiors, and Reparation deſired, but none vouchſafed.

'After theſe Paſſages, when it had pleaſed God to put a full End to the troubleſome Affairs in *England*, not one Garriſon upon the firm Land being in the Enemy's Hands, nor any Force on Foot; but all reduced to Peace and Settlement; the Affairs of *Ireland* in a good Condition; moſt of the Towns and Cities there in the Parliament's Power; and their Affairs in *Scotland* not unproſperous; when there was much leſs Cauſe to apply to the States, for any Need the Parliament had of their Aſſiſtance, or if they ſhould have looked upon themſelves and their Neighbours, as other States uſed to do, yet ſtill retaining the former Principles of Affection and Judgment of the great Concernment, an Union between the two Commonwealths would be to the upholding of the Proteſtant Intereſt, ſo much deſigned upon by the Enemies thereof, and unto common Good and Liberty.

'The Parliament did ſend a ſolemn Embaſſy to the States-General, the Ambaſſadors enabled and inſtructed to endeavour to compoſe former Differences, and to effect a firm and ſtrict Union, as far as might be conſiſtent with Reaſon and Juſtice, and the Honour of this Nation, and be for mutual Good. Nay, they can ſay, That thoſe Ambaſſadors from hence were empowered to make ſuch Tenders unto, and Agreement with the States, as would have demonſtrated the Affection of this Commonwealth, to the Good of the People of the United Provinces, the ſame as to themſelves.

'How unheartily and dilatorily they were dealt with in relation to their Errand, whereby the Embaſſy was rendered of no Effect; how unſafe (to ſay no more) they were in their Perſons during their Abode in the *Netherlands*; what Indignities were offered to them and their Followers, and unpunished;

and

and at whose Door the Fault hereof doth lie, is too apparent. But these Endeavours for Friendship, by this Delay and Averseness on the States Part, becoming fruitless, the Honour of this Commonwealth in the Persons of their Ambassadors wounded, and their Desires of Amity thus slighted, the Ambassadors were recalled home. Inter-regnum. 1652. May.

'By this appears what hath been done to procure a firm League and Amity with the United Provinces, and what honest and sincere Endeavours have been on the Parliament's Part to effect it; who, in the mean Time, proceeding on to conflict with those Difficulties which Providence called them unto in *Scotland* and *Ireland*; and the same gracious Hand of God which had gone along with them, having brought their Affairs in *Ireland* to so good a Pass as that little remained there to be done; and prospering the War in *Scotland*, so as that Country being in a Manner quitted to them, and the *Scots* Army, under the Command of *Charles Stuart*, Son of the late King, marching into *England*, was totally defeated at *Worcester*, and almost all of them killed or taken, except himself and some few others hardly escaping.

'Then, and not before, the States-General thought fit to send an Embassy to this Commonwealth, which was received with such Willingness and Affection, as might testify for them they stood fixed to their former Principles.

'As the Treaty went on, having some Reason to avoid Dilatoriness, and to desire Certainty, when positive Demands were prefixed to the States Ambassadors, they were evaded in Things not of the hardest Resolution, with Allegations of Want of Power, though their Commission shewed no such Restraint; yet, to obtain further Power, Returns must be made to their Superiors, and before Answers could be had, the Provincial States must be assembled, which gave small Grounds of any real Intendment of a firm Peace and Amity.

'During the Time of Treaty also, whilst at the first their Ambassadors Debates seemed to look no better

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better Props than of Ingenuity and Reaſon, the Ambaſſadors of the States acquainted the Parliament, that 150 Ships of War were intended to be ſet out by their Superiors, beſides thoſe of their Navy then abroad; and all theſe pretended for more Security of the Sea, and Conſervation of the Trade and Navigation of the United Provinces; but not to offend *England*.

'Whether this were done to amuſe the Parliament, or to denounce againſt them, is to the States beſt known, and the Grounds of thoſe extraordinary and great Preparations, when they had no Enemy at all in theſe Seas.

'To theſe Things the Parliament made no other Anſwer, but quietly intended a Proviſion for their own juſt Defence, in caſe any ſhould invade them. Nevertheleſs, not altering their Reſolutions more or leſs, as to the Things to be inſiſted upon or granted, having made Juſtice and Honour, and a mutual Good, in Preſervation and ſaving of each Rights to other, the Rule to ſteer their Actions by, who were moſt willing to come to a happy Cloſe to this Treaty, and were not, to their Knowledges, wanting in any thing which might teſtify their Reality to finiſh the ſame.

'In the mean Time the States go on with their Preparations at Sea, appoint their ſeveral Rendezvous of their Fleet, tending to a Conjunction of all into one, under the Command of him whom they call Lieutenant Admiral *Trump*: What his Intentions or Inſtructions were, his own Deportment and ſome precedent Actions will demonſtrate.

'Particularly when, amongſt others, one of their Ships being met by a Man of War, under the Command of Capt. *Young*, was in a friendly Manner ſummoned to give the uſual Reſpect to the Ships of War of this Nation, which another of his Company had done before, and which hath been accuſtomed, not only as a Civility and Reſpect, but a principal Teſtimony of the unqueſtionable Right of this Nation to the Dominion and Superiority of the adjacent Seas, acknowledged generally by all the neigh-

bour

bour States and Princes, and particularly by themſelves and their Predeceſſors, beſides many moſt authentic Records and other undeniable Proofs, together with a conſtant Practice in Confirmation thereof, yet he refuſed; affirming, That if he did it he ſhould loſe his Head. Inter-regnum. 1652. May.

'Not long after this enſued that Action of *Trump*, the Particulars whereof are ſet down in the Narrative herewith printed, by which that hoſtile and injurious Act appears to have been done againſt Neighbours in Amity, who have ſo often and earneſtly deſired, and teſtified, their Willingneſs to firm and continue the ſame; and this alſo vailed with, and in the Midſt of, a Treaty of Peace offered by themſelves. Accompanied alſo with ſuch Arrogancy and Injuſtice, not only to the denying of ſo unqueſtionable a Right, but uſurping upon the ſame; and in Proſecution of that Injury without any Provocation, ſeeking out the Ships of this Commonwealth in their own Seas, upon their own Coaſt, in their own Roads, there falling upon them, beginning a War, and thus endeavouring the Deſtruction of their Men and Ships, even to the beating them out of the Sea, and utter Subverſion of the Naval Power and Trade of this Commonwealth, had not God, by his Goodneſs, turned the Shame thereof upon the Heads of thoſe who were the Wrong-doers.

'After this long Patience of the Commonwealth of *England*, and after theſe high Injuries and Provocations thus forced upon them, the Succeſs at Sea not anſwering Expectation, it pleaſed the States-General to ſend another Ambaſſador Extraordinary to the Parliament; who, as the former Ambaſſadors, a little before his coming had done, laboured to excuſe their Superiors from having any Intention, or giving any Inſtruction, to warrant this Dealing; which, notwithſtanding the Preparations, the returning from another Courſe, and ſeeking out the Parliament's Ships in their own Roads, and there falling upon them without the leaſt Provocation, as before is mentioned, was yet by the Ambaſſador called Accidents, and a Thing done by meer Chance; the

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the Action in the Name of his Superiors utterly disclaimed, yet the Employment and the Agent continued by them and reinforced.

'And when the clear Truth of this unworthy Fact, bearing in itself part of the Proof thereof, by the Fleet under the Command of *Trump*, coming purposely into the Road of *England* unto their Fleet, and the rest thereof being attested, not only by many Eye-witnesses, *Englishmen*, but also by divers Officers, and others of the *Netherlands* taken in the Fight, who concur fully in the Testimony, yet a long and intricate Way of Examination thereof is propounded, a Cessation of Acts of Offence and Hostility in the mean Time desired, and a new Proceeding upon the old long Treaty entered into by the former Ambassadors; that Time being thus gained, an Addition of Strength might therewith be provided.

'The Powers of this Ambassador being desired to be seen, none but his Credential Letters, and some Passes for his Transportation were produced; but no Power to treat and conclude with the Parliament; for which material Point he resorted to the Powers of the former Ambassadors, who had Commission to treat and conclude upon the former Negotiation, and owned this also; and although they came upon the general Business of the Treaty of Alliance between the two Commonwealths, and the Lord *Pauw* came upon a particular Action, done after that Treaty begun and proceeded in, yet such was the continued Desire of the Parliament, if possible, to compose the said late Differences in a friendly Way, that they proceeded to treat with the Lord *Pauw*, waving the present Dispute upon his Want of Powers.

'And when nothing in particular was tendered by the Ambassador, but the Generals before recited, and a Proposal, That the Parliament would make their Demands to him, they were contented, not insisting upon the Disadvantage thereof, to make their Demands unto the Ambassador for Satisfaction for Wrongs past, and Security for the future, with the Interweth Powers produced, whereby it was put into the Hands of the Ambassador, to [illegible]

Agreement upon the Demands of Satisfactions to be by both Parties moderated and asserted, as was propounded to him in another Paper; and, upon such Agreement for Satisfaction, (the Demand for Security being left to After-consideration) to have a Cessation of all Acts of Hostility and Offence as he desired, and the Parliament was thus willing to assent unto. Inter-regnum. 1652. May.

'But instead of drawing towards any such Agreement, or endeavouring to come to Particulars therein as was offered, the Ambassador was not pleased at all to second or pursue his former earnest Desire of a Cessation, though it were thus in his own Power to accomplish, but wholly declined the same; and, for himself and the other Ambassadors, desired speedy Audience to take their Leaves, and to depart into their own Country, being expressly commanded (as they affirmed) so to do; and in that they were not denied any Respect or Accommodation, nor used, during their Abode here, as the public Ministers of this Commonwealth had been in the United Provinces: And by this Departure they were pleased to put a Period both to the one and the other Treaty.

'At their last Audience in Parliament, much was recited of the same Matter contained in their former Papers; and as to that which they then urged concerning Acts of Hostility not looked for, neither at any Time before declared; and that their Ships, brought into the Ports of *England*, and there detained of late against their Thought, and before any Declaration of Hostility issued out, and whereof the Commanders are unware and guiltless, having not given the least, nor to Nobody, Occasion of Disputes, might be released, the Parliament therein need but refer to the Narrative by them published, and delivered to the Ambassadors of the Lords the States General, before the Arrival of the Lord *Pawe*, and seen by him at his first coming.

'And although that first Breach and high Injury done by *Tromp*, was on the Parliament's Part altogether undeserved and unlooked for, yet, after the same committed, a Prosecution against the Wrong-doers,

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doers could not, in Probability, but be looked for from the Parties injured, to whom no Satisfaction hath yet been offered, unleſs the Parliament ſhould quietly and tamely have laid themſelves down at the Feet of thoſe, who have thus endeavoured the Ruin of them, and have betrayed into thoſe Hands the Rights and Safety of the People of this Nation, which few would have eſteemed agreeable to the great Truſt in them repoſed.

'By theſe Proceedings, faithfully repreſented to the View of the World, it will be more than evident with what Affection and Conſtancy the Parliament have laboured for the Friendſhip of the United Provinces; how carefully they avoided all Differences and Occaſions of a War between the Nations, tho' all ſuch Overtures of Amity and neareſt Alliance have been rejected.

'At laſt, when this Commonwealth was aſſaulted and invaded, their Ships torn, their Men ſlain, without the leaſt Colour of any Offence given; upon which Attempts, and the Conſequences thereof, had the ſame ſucceeded, not only the Rights, Honour, and Traffic, but even the very Being of this Commonwealth had been highly endangered; the Parliament held it their Duty, thus compelled and neceſſitated into a moſt unwelcome War begun upon them, to defend themſelves; and, whilſt a juſt Satisfaction and Security cannot otherwiſe be had, to endeavour the gaining thereof by ſuch Ways and Means wherewith the Lord ſhall enable them.

'And herein, as the Parliament doth reſt abundantly comforted in the Integrity of their own Proceeding, and faithful Diſcharge of their Duty, ſo they aſſure themſelves that all indifferent Perſons will entertain this clear Teſtimony of the Juſtneſs of their Cauſe; for the Iſſue whereof they depend not upon any Policy or Strength of Man, but only upon the Goodneſs and Aſſiſtance of that righteous God, who hath hitherto, in ſo wonderful a Manner, appeared for them, and who never failed thoſe that

look

ſeek him, and with Uprightneſs and Sincerity of Heart attend upon him. HEN. SCOBELL, *Cleric. Parliamenti.* Inter-regnum. 1652. May.

The ANSWER *of the* PARLIAMENT *of the* COMMONWEALTH *of* ENGLAND, *to* THREE PAPERS *preſented to them by the Council of State from the Ambaſſadors Extraordinary of the Lords the States General of the United Provinces, upon Occaſion of the late Fight between the Fleets.*

'THE Parliament of the Commonwealth of *England*, calling to Mind with what continued Demonſtrations of Friendſhip and ſincere Affections, from the very Beginning of their inteſtine Troubles, they have proceeded towards their Neighbours of the United Provinces, omitting nothing on their Part that might conduce to a good Correſpondence with them, and to a growing up into a more near and ſtrict Union than formerly, do find themſelves much ſurprized with the unſuitable Returns that have been made thereunto, and eſpecially at the Acts of Hoſtility lately committed in the very Roads of *England*, upon the Fleet of this Commonwealth, the Matter of Fact whereof, ſtated in clear Proofs, is hereunto annexed. Upon ſerious and deliberate Conſideration of all, and of the ſeveral Papers delivered in by your Excellencies to the Council of State, the Parliament thinks fit to give this Anſwer to thoſe Papers:

'The Parliament, as they would be willing to make a charitable Conſtruction of the Expreſſions uſed in the ſaid Papers, endeavouring to repreſent the late Engagement of the Fleets to have happen'd without the Knowledge, and againſt the Mind, of your Superiors; ſo when they conſider how diſagreeable to that Profeſſion the Reſolutions and Actions of your State and their Miniſters at Sea have been, even in the Midſt of a Treaty offered by themſelves, and managed here by your Excellencies; the extraordinary Preparations of 150 Sail of Men of War, without any viſible Occaſion, but what doth now appear a juſt Ground of Jealouſy (in your own Judgments, when your Lordſhips pretended to exclude

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cuſe it); and the Inſtructions themſelves given by your ſaid Superiors to their Commanders at Sea, do find too much Cauſe to believe, that the Lords the States General of the United Provinces have an Intention, by Force, to uſurp the known Rights of *England* in the Seas; to deſtroy the Fleets that are, under God, their Walls and Bulwarks, and thereby expoſe this Commonwealth to Invaſion at their Pleaſure, as by this late Action they have attempted to do: Whereupon the Parliament conceive they are obliged to endeavour, with God's Aſſiſtance, as they ſhall have Opportunity, to ſeek Reparation of the Wrongs already ſuffered, and Security that the like be not attempted for the future.

'Nevertheleſs, with this Mind and Deſire, That all Differences betwixt the Nations may, if poſſible, be peaceably and friendly compoſed, as God by his Providence ſhall open a Way thereunto, and Circumſtances ſhall be conducing to render ſuch Endeavours leſs dilatory, and more effectual than thoſe of this Kind heretofore uſed have been.

HENRY SCOBELL,
Cleric. Parliamenti.

A NARRATIVE *of the late* ENGAGEMENT *between the* Engliſh *Fleet under the Command of General* Blake, *and the* Holland *Fleet under the Command of Lieutenant-Admiral* Trump, *near* Dover.

'UPON *Tueſday* the 18th of *May*, 1652, in the Morning, General *Blake* being gone to the Weſtward as far as *Rye* Bay, eight Days before, with 12 or 13 Ships, leaving Major *Bourn* in the *Downs* with eight Ships only, there appeared on the Backſide of the *Goodwin* a *Holland* Fleet of Men of War, conſiſting of 42 Ships, one whereof had a Flag on the Main-topmaſt-head, the reſt Jacks and Antients; and being come unto the *South-Sands-Head*, two of them bore up towards the *Engliſh* Ships in the *Downs*, whereupon Major *Bourn* ſent out the *Greyhound* to examine them, and to know the Reaſon of their ſo near Approach; who anſwering, That they

they had a Meſſage to the Commander in Chief in the *Downs*, were permitted to come in; and having ſaluted the Flag, the two Captains, named *Tyſon* and *Aldred*, came aboard the ſaid Major *Bourn*, and acquainted him, That they were ſent by *Van Trump* to let him know that he had been riding about *Dunkirk* with his Fleet, where, by Reaſon of foul Weather, they had loſt many of their Cables and Anchors, and the Wind being northerly, were driven further to the Southward than they intended, which *Van Trump* thought fit to ſignify, to prevent any Miſapprehenſions or Jealouſies. And having ſaid this, and received for Anſwer, That the Reality of what they ſaid would beſt appear by their ſpeedy drawing off from this Coaſt, they departed to their Fleet; and immediately upon their Arrival with them, the whole Fleet ſtood up to *Dover*, and came to an Anchor within little more than Shot of the Caſtle the ſame Day in the Afternoon. Upon their coming before *Dover* Caſtle, and riding there with Flag in the Main-top without ſaluting the Caſtle, the Caſtle made three Shot at them, notwithſtanding which the *Dutch* Admiral kept up his Flag, and rode there at Anchor untill the next Day Noon, and exerciſed his Muſqueteers, by diſcharging Volleys of ſmall Shot many Hours together. Upon *Wedneſday*, about Twelve o'Clock, the *Dutch* Fleet weighed Anchor, and ſtood off towards *Calais* ſome four Leagues into the South-Eaſt: About the ſame Time the *Engliſh* Fleet under General *Blake*, coming from the Weſt towards the *Downs*, diſcovered them, and ſuppoſed, by their Courſe, they had been going back. Major *Bourn* likewiſe was in Sight, coming from the *Downs* to join with General *Blake*. About an Hour or two after the *Holland* Fleet altered their Courſe, came back again, made all the Sail they could, and bore directly with General *Blake*, *Van Trump* the headmoſt, with his Flag in the Main-top, and being come within Shot, the General ſhot a Gun at his Main-top, and then two ſingle Shot more; whereupon *Trump* ſhot a ſingle Shot thro' the General's Flag, and then immediately gave the firſt Broadſide,

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Inter-regnum. 1652. May. and took in his Pendants, and hung out his Red Flag under the *Holland* Colours, which was the Signal, on their Part, for the whole Fleet to engage: And ſo the Fight began, which happened between Four and Five o'Clock in the Afternoon, and continued untill Nine o'Clock. In the Fight the *Engliſh* took two of the *Holland* Fleet, one whereof, having ſix Foot Water in the Hold, they left, taking the Captain and Officers aboard, the other being a Ship of thirty Guns. General *Blake* lay all Night where the Fight began, or near thereabouts, and the *Holland* Fleet was eſpied about four Leagues diſtant towards the Coaſt of *France* next Morning.

'The Truth of this Relation appears in the Letters of General *Blake*, Major *Bourn*, and others in the Action; by the Examinations of the *Dutch* Captains, and other Officers taken in the Fight; the Inſtructions given to the *Dutch* Captains and Commanders, and other Papers; all which are hereunto annexed.

'And whereas *Van Trump*, in the Account he gives of this Action, makes the Occaſion of his coming back upon the *Engliſh* Fleet, the guarding of ſome Merchant-men, richly laden from the *Straits*, which had been in Fight with ſome of our Frigates. That Action is ſet down in a Letter, written by Capt. *Young*, (hereunto alſo annexed) whereby the Occaſion, Beginning, and Ending thereof, is declared. And beſides, thoſe very Ships which he pretends to come to protect or reſcue, upon *Saturday* before had paſſed by General *Blake*, and were gone to the Eaſtward.

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A COLLECTION *of the* PROCEEDINGS *in the* TREATY *between the Lord* PAWE, *Ambaſſador Extraordinary from the* STATES GENERAL *of the United Provinces, and the Parliament of the Commonwealth of* England: *And firſt,*

The Lord PAWE's SPEECH *at his Audience before the* PARLIAMENT, *the* 11*th of* June, 1652.

Right Honourable.

'THE public Teſtimonies and manifeſt Tokens of a ſincere Benevolence, pure Love, and true Friendſhip, which the univerſal State and Subjects of the United Provinces have always ſhewed to the *Engliſh* People, and principally to the Parliament of the Commonwealth of *England*, now proſperouſly and happily governing, are ſo notorious and known to the whole Chriſtian World, that Nobody can doubt of it, much leſs of a true Faith and long-uſed Obſervation of Friendſhip of the States General of the United Provinces.

'But foraſmuch as, by reaſon of the Variety and Inconſtancy of worldly Things, ſometime happen thoſe Things which do dark the exterior Face with Clouds, and are like to ſhew a Diſtraction of Minds; but when theſe Things are prevented by Time, and all Contrarieties taken away, they will ſerve more to conſerve and confirm, than to diſſolve the Bonds of mutual Friendſhip; therefore it hath pleaſed the States General of the United Provinces, my Superiors, notwithſtanding they doubt not of the ſingular Wiſdom and Diligence of their Extraordinary Ambaſſadors here, ſtaying about great and weighty Buſineſs, to ſend me in an extraordinary Embaſſage to the Parliament of the Commonwealth of *England*, to preſent, clearly and ſincerely, their Wiſhes for the public Safety and happy Government thereof, with Proffer of all their good Offices, as I, being ſo lately come from their honourable Aſſembly, can teſtify out of my certain Knowledge, that nothing is more in their Hearts and Wiſhes, than that not only a firm and conſtant

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Friendſhip be religiouſly kept between both States, but that it may daily grow, and by all Means be conſolidated, and nothing may happen which may break or any way diſturb the Bars of mutual Safety, Profit, and Friendſhip, between ſo neighbour Nations; and that therefore they have received, with great Aſtoniſhment and Sorrow of Heart, the News of what, contrary to all Expectation, hath lately happened between the Admirals of both Commonwealths. But foraſmuch as this unlooked-for and unexpected Caſe might not only raiſe new Troubles, but alſo give Occaſion of Suſpicion, as if the preſent Treaty for a mutual Alliance, and a ſtraiter Corroboration of the old Friendſhip, was not earneſtly proſecuted, and therefore we ſhould labour in vain to come to an happy End, my Superiors have not thought amiſs, but rather convenient, even neceſſary, that, at this Time, and upon this unhappy Caſe fallen out, I ſhould, above the ordinary Uſe and Cuſtom, and therefore ſuperabundantly, (ſeeing that, by reaſon of my Office, I have been in all their Councils) repreſent, openly and ſincerely, to the Parliament of the Commonwealth of *England*, all the Particulars which have happened, as well before as after that Fact, as they are come to their Knowledge, to remove all Things out of the Way which might breed any Grudge or Breach of Friendſhip between both States, or cauſe the leaſt Diſturbance or Delay to the Treaty.

'Therefore, by Virtue of the Credential Letters of the ſaid General States, and in their Name, I do proteſt and declare to the Parliament of the Commonwealth of *England*, That they have never entertained in their Thoughts, never acted, much leſs commanded, any thing which might offend the Dignity of this Commonwealth, leſſen the common Friendſhip and good Correſpondence which hath endured for ſo many Years, or, under any Pretence whatſoever, ſow any Seed of Miſunderſtanding; but rather that the ſaid States have intended with all their Hearts, and endeavoured by all their Power, that the ſaid Friendſhip and Alliance might be perfected

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in the beſt Way, and ſpeedily, and might be ſolemnly eſtabliſhed for ever, for the Safety and Advantage of both Commonwealths. It is very true that a great Fleet hath been prepared in the *Low Countries*; but that the States General have, by the continual Complaints of their Subjects, been forced to conſent to it, is alſo a Thing moſt certain and known; as alſo, that they have ordered, That Notice thereof ſhould be given to the ſaid Parliament, which was done and ſignified to no other Intent, than that the Subjects of the United Provinces, which had ſuffered great Damages at Sea, and loſt ſeveral Ships, ſhould be ſecured and protected by juſt and ordinary Means; and that no Wrong or Offence ſhould be offered to any, much leſs to undertake any Diſpute againſt the Fleet and Ships of the ſame Parliament, upon the Controverſies and Differences of the Sea: All which being done and performed in that Manner, and nevertheleſs there having accidentally happened of both Sides a great Debate and Controverſy between both Fleets, the States General have thought fit to acquaint the Parliament of *England* with the Relation ſent to them in Writing by their Admiral, and approved and witneſſed by their Captains, and other faithful Perſons, That the Admiral *Trump*, more by Neceſſity than other Reaſons, is come nigh the Fleet of this Commonwealth, and hath firſt ſent his civil Salutation to the Commander *Bourn*; and having afterwards met accidentally with the Admiral *Blake*, put out his Boat to ſend ſome Deputies unto him, and to declare the Reaſons of his Coming, and beſides that, commanded to take down his Flag; but when he ſaw that he, againſt all Expectation, was unhappily ſaluted by him with a Broadſide, he thereupon diſcharged his Guns, not to offend but to defend himſelf; and that from thence, by meer Accident, rather than purpoſely, was raiſed a Fight amongſt thoſe Fleets, which, by the Lord's Bleſſing, ſhortly after was ended. Which, foraſmuch as it was begun by an unexpected Salutation, and not continued with Earneſtneſs by ours, nor done or committed by alienated Minds, or any Reaſons

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known before, but by Chance, therefore the States General do friendly desire, That the Parliament of the Commonwealth of *England* will be pleased to believe, and be perſuaded, That nothing was done with a conſulted Purpoſe or foregoing Command; but merely by a caſual Chance, and perhaps by reaſon of the Fragility and Inconſtancy of the worldly Things; and ſo much the more direct their Councils and Commiſſions thither, that all Obſtacles, Offences, and further Wrongs, may, with all Speed, be removed out of the Way and prohibited, as the States General, on their Part, are prompt and ready to apply convenient Remedies. They judge that it concerneth much the whole Chriſtian World, and principally the States of the Reformed Churches abroad, that thoſe Miſunderſtandings do not grow greater between theſe Commonwealths, and that between Neighbours, Partakers of the ſame Faith, ſhould ariſe any Diſſention which ſhould diſturb and interrupt the common and neceſſary Commerce, and give Occaſion, as well to their known as to their ſecret Enemies, to lay Waits, or to draw into divers Parts, thoſe Commonwealths ready to be united in a common Alliance; and, by ſuch Means, removing from themſelves the Seat of Calamities and War, to bring it (which God forbid) to their own Deſtruction. To prevent ſo great a Danger, and that the Evil may not ſpread further, I am commanded by Times to propound, and do all my beſt, That, by convenient Means, there may be a ſpeedy Compoſure made of what is paſt, and that there may be Order taken, that hereafter ſuch unlucky and unhappy Caſes happen no more between the Fleets of both Commonwealths, wherein they deſire the Dignity and the Honour of the Parliament of the Commonwealth of *England* may be conſerved.

'Whereas then the States General do herewith openly declare to the ſaid Parliament, That they deſire intirely that all Offices of Friendſhip and Benevolence may be continued, the contrary may be prevented, and that the Councils of all Sides may be directed to the deſired End and Concluſion of the mutual

mutual Confederacy; therefore I do earneſtly intreat that it may pleaſe the ſaid Parliament to hear and underſtand me without any Delay, by their Deputies or Council of State, and proceed without Intermiſſion in the juſt and amicable former Tranſactions, to bring the principal Buſineſs to an End and Concluſion, as the extraordinary Ambaſſadors of the States have Charge and are ready to do. Inter-regnum. 1652. June.

'At the ſame Time I do return my Thanks for the ſingular Favour done to my Lord *Newport*, in granting him ſome Days ago one of the Parliament's Ships for his Return into the *Low Countries*; and the ſaid Lord being a Member of the States of *Holland* and *Weſt-Friezeland*, I am charged to deſire him to ſtay here, to communicate Counſels, and return with me; which I hope will not be diſpleaſing to the Parliament, to whoſe Benevolence I, with all Reſpect, recommend me and all my Offices.'

To the PARLIAMENT *of the* COMMONWEALTH *of* ENGLAND.

A TRANSLATION *of the* LETTERS CREDENTIAL *to the Lord* PAWE.

The States General of the United Provinces of the Low-Countries.

'WHereas we have found convenient, even very neceſſary, in the preſent Condition of the Affairs in *Europe*, to ſend to the Parliament of the Commonwealth of *England*, the Lord *Adrian Pawe*, Knt. Lord of *Heemſted*, *Hogerſmilde*, *Ritwick*, and *Newkerk*, Counſellor Penſionary of *Holland* and *Weſt-Friezeland*, and Ordinary Deputy in our Aſſembly from the ſaid Province, as our Extraordinary Ambaſſador; having made Election of his Perſon, as of one of which, for his rare Qualities and long Experience, we make a high Eſteem, and have a great Confidence; being well acquainted with our good and ſincere Intentions, which have no other Aim than the maintaining, increaſing, con-

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firming, and ſtrengthening, more and more, the the good Amity, Correſpondence, and Alliance between both Nations and States, grounded upon common Intereſts of Religion, of State, and Commerce; having ſuch Confidence of his Ability, Prudence, Fidelity, and Diligence, that we do refer ourſelves to him to expreſs them *viva Voce* to the ſaid Parliament of the Commonwealth of *England*, and chiefly the Zeal that we do continue to have for all that may concern the Common Good and Security of both Nations: Wherefore we intreat, with Earneſtneſs, and with all our Affection, the ſaid Parliament of the Commonwealth of *England*, by theſe Preſents, that they be pleaſed to give a favourable Audience to our ſaid Extraordinary Ambaſſador, and to give him abſolute Credence as to ourſelves, in all that he ſhall ſay and propound of our Part in this preſent Condition of the Affairs of both Commonwealths.

Done at the Hague, *in* Holland, *the* 14*th of* June, 1652.

Friday, June 11, 1652.

Mr. Speaker, by way of Report, acquaints the Parliament with what was delivered by the Lord *Pawe*, Ambaſſador Extraordinary from the Lords the States General of the United Provinces, at his Audience in the Houſe this Day, and preſented the Paper delivered in by the ſaid Lord Ambaſſador Extraordinary, and the Tranſlate thereof in *Engliſh*, which was this Day read.

'Ordered, by the Parliament, That theſe Papers be referred to the Council of State; and that it be likewiſe referred to the ſaid Council, to hear what the ſaid Lord Ambaſſador Extraordinary hath further to ſay, and to treat with him, they holding cloſe to the former Anſwers and Declarations the Parliament hath made, and report it to the Parliament with all Speed.

HENRY SCOBELL,
Cleric. Parliamenti.

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The Lord PAWE's SPEECH *at his Audience in the Council of State.* Inter-regnum. 1552. June.

Right Honourable,

'WHereas it hath pleaſed my Lords the States General of the United Provinces to ſend me, beſides their Extraordinary Ambaſſadors, in the ſame Quality, to the Parliament of the Commonwealth of *England*; and having Yeſterday had the Honour to declare, in their full Aſſembly, the true Subject of my Coming, and the ſincere Intentions of my Superiors, therefore I think it to be my Duty to appear likewiſe before this Honourable Council to preſent my Credential Letters, and wiſh your Honours all Felicity and good Succeſs in the Direction and Managing of ſo great Affairs as are to them committed by this great Commonwealth. And as I have declared unto the ſaid Parliament, ſo do I likewiſe declare again, with Truth and certain Knowledge, That my Lords the States General have always had, and have at this preſent more than at any Time before, a very great Deſire to maintain, increaſe, and keep faithful the good Friendſhip, ſtrait Alliance, and perfect Correſpondence, which hath ſo long endured between both Nations and States, whereof there hath been heretofore many notorious and manifeſt Teſtimonies. It is moſt certain that my Superiors have nothing more in their Hearts, than to ſee a Finiſhing and Concluſion of the Treaty of Alliance between both Commonwealths, to the End that thereby a ſtraiter Union and brotherly Concord may be eſtabliſhed, to ſubvert and deſtroy all Plots and Diviſions which would trouble and much endanger the one and the other, as alſo make them leſs conſiderable to the Chriſtian World. This is, my Lords, the very Aim of the Enemies of the reformed and orthodox Religion, making a certain Account that they will be able, by ſuch a Diſagreement and Diviſion, not only to weaken both States, but to bring them alſo to the utmoſt Extremities: But both People being bleſſed by the Lord with that precious Gift of the true Reli-

gion,

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gion, and wonderfully provided, beſides the ſpiritual, with temporal Benedictions, by the Benefit of Navigation and Commerce in all Parts of the World; and my Lords the States General judging that the firſt ought neceſſarily to be conſerved, and the other be look'd to, the Religion maintain'd, and the State ſecured, did believe that all thoſe Inconveniences can be no better prevented, than by joining the Souls and Goods of both Commonwealths, and by this Means make them able, with God's Aſſiſtance, to ſhun all Machinations to the contrary. Therefore the unexpected News of the Meeting of the two Fleets, and the Offences given on both Sides, hath brought no ſmall Trouble amongſt the States General, who have thereupon judged moſt neceſſary to diſpatch, extraordinarily and ſpeedily, to inform the Parliament of the Commonwealth of *England* and this Honourable Council; and, to perform ſuch Endeavours, made Choice of me, that have been admitted in both Aſſemblies of the States General, and of thoſe of *Holland* and *Weſt-Friezeland*, and acquainted with their moſt important and moſt ſecret Councils and Deliberations, to witneſs here with moſt certain Knowledge of the Matter, and no leſs Truth and Faithfulneſs, that no Deliberation was made, no Reſolution taken, no Commiſſion, directly or indirectly, given to diſpleaſe, in any ways, the Commonwealth of *England* to offend them, and much leſs to ſet upon their Fleet or Ships; but that, on the contrary, there was Command given to deal with them in all Places as with the beſt Friends, and to ſhew them all Kind of Favour and Courteſy.

'And as, in the ſaid unhappy Meeting, Things have been on both Sides otherwiſe, and very unwarily acted, whereof I made Yeſterday a large Relation which I do not intend to mention again at this preſent, nor to revive that which ought to be buried and entirely forgotten: Notwithſtanding, having underſtood, out of the laſt Anſwer delivered to our Ambaſſadors, that there is a Satisfaction demanded for what is paſt, and Security for the future; and my Lords the States conceive it to be neceſſary, that all

all Miſunderſtanding and Miſconſtruction, of what is lately paſſed in the ſaid Encounter, may be taken away, and both States ſecured from the like Inconveniences hereafter; as alſo that it be proceeded, without Delay, in the continuating and perfecting the Treaty of Alliance ſo far advanced already: And, moreover, that it be conſidered of the moſt convenient and reaſonable Means which may remove the Shadows of all Suſpicion and Miſtruſt; and that ſuch Orders be made which the Fleets ſhall be bound to follow hereafter; to which Purpoſe I have ſufficient Inſtructions from my Superiors. I deſire therefore that it may pleaſe your Honours to appoint ſome of the Members of this Honourable Council, with whom I may, as ſoon as is poſſible, begin, continue, and finiſh that which may ſerve to the Satisfaction of both States, and removing of all Differences: To which I muſt add here, that my Superiors did never pretend, nor ſhall pretend, to diſpute the Honour and Dignity of this Commonwealth, which they repute the firſt and moſt conſiderable in *Europe*; and wiſh that, by an Union of theſe two formidable States, they might ſecure them both, preſerve them from the Conſpirations of their Enemies, and ſettle, by a perfect Intelligence and Confidence, their common Peace and Safety. Inter-regnum, 1652. June.

'In the mean Time I pray your Honours, that it may pleaſe you, by your wiſe Direction, to order, as ſpeedily as is poſſible, that the Evil may not, by reaſon of this unhappy Accident, proceed any further, by committing new Offences, Purſuits, or taking of Ships; but that all Attempts and ſuch Actions may be interdicted and ſtopp'd, and not by making the Wound wider, even incurable, to expoſe ourſelves to the Will and Pleaſure of our Enemies; being confident that we ſhall be able to find convenient Remedies to remove, friendly and happily, the preſent Differences, to the Confuſion of thoſe who wiſh and expect it otherwiſe. I ſhall be exceedingly beholden to this Honourable Council, if your Honours grant me a ſpeedy Anſwer upon theſe, that I may, without Intermiſſion, begin ſo worthy, profitable,

Inter-regnum. 1652. June.

profitable, and neceſſary a Work; commending myſelf, in the mean Time, with all Reſpects, to your Honours Favour.

Pronounced in the Council of State of the Parliament of the Commonwealth of England, *the* $\frac{2}{12}$ *of* June, 1652.

Monday, June 14, 1652.

At the COUNCIL *of* STATE *at* Whitehall.

'In purſuance of an Order of Parliament of the 11th of *June*, 1652, the Council hath appointed the Lord-Commiſſioner *Whitlocke*, Lord-Commiſſioner *Liſle*, Lord Viſcount *Liſle*, Lord Chief Juſtice *St. John*, Mr. *Bond*, Mr. *Scott*, Col. *Purefoy*, Sir *Henry Vane*, Sir *William Maſham*, Col. *Marten*, and Col. *Morley*, or any three or more of them, to be Commiſſioners, to meet with the Lord *Pawe*, Extraordinary Ambaſſador to the Parliament of the Commonwealth of *England*, from the States General of the United Provinces, to receive from his Excellency ſuch Overtures as he ſhall pleaſe to make in Writing, and to confer and treat with him thereupon, and make Report thereof to the Council; and that they do meet with the ſaid Lord Ambaſſador Extraordinary at Four of the Clock this Afternoon, in the uſual Place for the Purpoſe aforeſaid, and ſo, from Time to Time, as there ſhall be Occaſion; and that Sir *Oliver Fleming*, Knt. Maſter of the Ceremonies, do ſignify the ſame unto his Lordſhip, and attend him to the Place appointed.

Exam. JO. THURLOE,
Clerk of the Council.

Monday, June 14, 1652.

At the COUNCIL *of* STATE *at* Whitehall.

'Ordered, That the Commiſſioners appointed to treat with the Lord *Pawe*, Extraordinary Ambaſſador of the United Provinces, do demand of the ſaid Lord Ambaſſador a Sight of the Powers and Authorities given to him by his Superiors, to treat and con-

conclude upon ſuch Matters and Things as he hath to offer; and acquaint him, that the Parliament deſires that all Speed and Expedition may be uſed on his Excellency's Part in this preſent Treaty deſired by himſelf; aſſuring his Lordſhip, that nothing ſhall be wanting on the Part of the Council of State, which may be any way conducing to bring the ſame to a ſpeedy Iſſue.

Inter-regnum, 1652. June.

Exam. JO. THURLOE,
Clerk of the Council.

A SUMMARY *of what the Lord* ADRIAN PAWE, *Extraordinary Ambaſſador of the States General of the United Provinces of the* Low Countries, *hath propounded to the Deputies of the Honourable Council of State of the Parliament of* England, *the* $\frac{2}{12}$*th of* June, 1652.

'THE ſaid Lord Ambaſſador having heretofore abundantly declared, That the States General (as it will be found, and always appear) have no ways deliberated, neither in public nor in private, much leſs given any Charge, Order, or Commiſſion for committing the leaſt Offence againſt the Parliament of the Commonwealth of *England*, their Fleets, Ships, Officers, or Subjects; but rather they ſhould be met with the uſual Civilities and Kindneſſes, and with the ordinary Expreſſions of Friendſhip; therefore none can anywiſe call into Queſtion their ſincere Intentions for the maintaining and increaſing the antient and common Amity.

'For the ſame Reaſon, that cannot be imputed to the ſaid States General which happened lately between both Fleets; nor ſhould thence ariſe any Diſcontent or Offence, nor any Cauſe of attempting againſt their Subjects, being a Thing directly contrary to the antient Friendſhip and Correſpondence between both Nations: And the ſaid Encounter having happen'd by meer Chance, and without any Deſign, the ſaid Lord Ambaſſador hath propounded, whether it were not better to lay aſide that which is paſt, inſomuch that it ſhould be taken of both Sides as a Thing not done,

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done, and so all be left as before; and that there might a speedy Order be taken for the Redress of what hath been done since, in such Sort as no external or internal Mark may remain of the same.

'Nevertheless, if the Pleasure of this Honourable Council is otherwise, although the said Ambassador hath plainly and sincerely related all which is come to the Knowledge of his Superiors concerning what is past, having received, (as also the other Ambassadors) besides the former Informations before his departing, several remarkable and considerable Attestations *in probanti Forma*, and hath heard that there are here quite other and contrary Informations, whence it doth appear, that the Parties are disagreeing in their Evidences, and so it is a hard Matter to judge clearly of the Fact.

'The said Ambassador therefore hath thought fit to propound, that the Things passed should be more exactly examined, and necessary Informations made by either of the Parties, or conjunctly by both; that, after certain Knowledge gotten, the Truth may be discovered by Commissioners specially deputed of both Sides upon this Matter, to know which of the two hath made the first Attempt, and given Cause to the following Disorders.

'The said Ambassador doth declare, That if it may appear that the Admiral of the States General hath made the first Assault, he shall not only be disowned in the like Case, and his Fact disapproved of by the said States General, as having transgressed their Orders and Commission, but they shall also cause him to be punished for the same, according to the Importance of his Attempt, for having disobey'd their Commands, and chiefly for having given just Cause of Offence to their good Friends and Neighbours. Desiring also of this Honourable Council, that if, on the contrary, it be found true, by the Informations, that the Admiral of the Commonwealth of *England* hath given Occasion to the said Encounter, and hath the first assaulted, it be likewise declared, That the Parliament will in that Case disown the

the ſaid Admiral, and command the ſame Puniſhment to be put upon him. Inter-regnum. 1652. June.

'It is to be believed that the ſincere Intentions of the States General will not only appear, and all Suſpicions be taken away; but that the Means of a juſt Reparation and neceſſary Satisfaction will be eaſily found, other States and Commonwealths having taken the ſame Courſe, and followed the ſame Method, with good Succeſs; whereof the Lord Ambaſſador hath produced divers Examples.

'And to the End that the like Inconveniences may no more happen hereafter, the Lord Ambaſſador hath declared, That the States General have never had the leaſt Intention, nor have yet any at this Time, to leſſen, in no ways, the Honour and Dignity of the Parliament of the Commonwealth of *England*; but that they have given Command heretofore, as alſo ſince the late unhappy Accident, new Order, that, upon Meetings and Salutings of the Fleets or Ships of War, concerning the ſtriking down of the Flag, and what belong to it, there ſhould be the ſame Honour done to the Parliament of the Commonwealth of *England*, as formerly done during the other Government, hoping by this Means to give and receive Content reciprocally.

'And as it is moſt neceſſary to confirm the mutual Friendſhip between both Nations, that the Negotiation of the Treaty between both Commonwealths be advanced, and brought to an End as ſoon as can be, the ſaid Lord Ambaſſador hath repreſented, and earneſtly deſired, That ſince the Lords Extraordinary Ambaſſadors have, after divers Conferences, by their laſt Remonſtrance, manifeſted their Superiors Intention concerning the ſaid Treaty, it ſhould alſo pleaſe the Honourable Council to expreſs and ſignify theirs clearly, that it may appear what Differences are fit to be reconciled, that all Difficulties may be removed, to come the ſooner to a good, firm, and laſting Concluſion, by which the Minds may be on both Sides pacified, and an everlaſting and indiſſoluble good Intelligence eſtabliſhed.

'More-

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'Moreover, the said Ambassador hath instantly desired, That all Ways of Fact and Offences be inhibited and stopp'd by Order of the Honourable Council; and, chiefly, that the Persons, Ships, and Goods of the Subjects of the United Provinces, as well Military as others, be indifferently freed and released from their Restraint and Detention, and all that have been, or are, by Force detained, be set at Liberty; and that the Innocents may receive no more Hurt or Trouble, as we are ready and resolv'd to do the same of our Part.

'The said Lord Ambassador hath also desired it may please the said Honourable Council to make known to him, without Loss of Time, their good Intentions and Resolution upon what is aboveSaid; and chiefly upon the Continuation of the Treaty begun, the Cessation of all Ways of Fact upon the Relaxation of the Ships detained and arrested, Persons and Goods, of the Subjects of the United Provinces, seeing he hath lost no Time to declare sincerely from his Superiors, and assure the said Honourable Council of the Continuation of their good Affection and perfect Friendship.'

June 14, 1652.

At the COUNCIL *of* STATE *at* Whitehall.

'Ordered, That the Commissioners appointed to treat with the Lord *Pawe*, Extraordinary Ambassador from the United Provinces, do insist upon the Sight of his Authorities before they proceed to this Treaty.'

A PAPER *from the Lord* PAWE, June 15, 1652,

To the Right Honourable the COUNCIL *of* STATE *of the* COMMONWEALTH *of* ENGLAND.

'THE Extraordinary Ambassador of the States General of the United Provinces having had the Honour to come twice in Conference with your Honours Commissioners, and there to propound several Things concerning the Quality he cometh in, and

and the re-eſtabliſhing the good Friendſhip and perfect Intelligence of both Nations, intreated this Honourable Council that it may pleaſe your Honours to conſider what the ſaid Commiſſioners ſhall report, that he may receive a ſpeedy and favourable Anſwer, as alſo be excuſed for making ſo much Inſtance, ſeeing that he is forced to it by the Conjuncture of ſuch preſſing Affairs, and for timely preventing of the Inconveniences which might follow. Inter-regnum. 1652. June.

'Whereupon a Conference being had, the Lord *Pawe*, to manifeſt his Powers to treat and conclude, inſiſted on his Credentials and three Paſſes granted to him, the Copies whereof were by him delivered in, and are as followeth:

The States General of the United Netherlands, *to all thoſe that ſhall hear theſe Preſents read, or ſee, Greeting:*

'KNOW ye, that we, to expedite ſeveral Affairs of Importance, found good to diſpatch into *England* the Lord *Adrian Pawe*, Knt. Lord of *Heemſted*, *Hogerſmilde*, *Ritwick*, *Newkerk*, Counſellor Penſioner of *Holland* and *Weſt-Friezeland*, Deputy Ordinary of the ſaid Provinces to our Aſſembly, and for this preſent our Extraordinary Ambaſſador; therefore we do herewith command and require all Lieutenants, Admirals, Vice-Admirals, Commanders, and Captains of the Ships of War of theſe Countries hereunto ordained, or by his Excellency to be ordained and commanded, That they ſhall, in their reſpective Ships, receive and tranſport the Baggage of the ſaid Lord of *Heemſted* into *England*, and to do therein all what our ſaid Extraordinary Ambaſſador of them ſhall require, accommodating him during his ſaid Paſſage in their ſaid Ships, and reſpecting him according to their Duty. And having landed our ſaid Lord Extraordinary Ambaſſador, with his Train and Goods, in *England*, to do and perform further what they already may be commanded, or may yet be willed, as ſhall be required at the Hands of thoſe that it concerns: Of all which the ſaid Lieutenants, Admirals, Vice-Admirals, Com-

Inter-regnum. 1652. June. Commanders, and Captains, ſhall not fail, under Pain to incur our higheſt Indignation.

Done in the Hague, *under our Seal Paraphure, and the Signature of our Clerk, this 14th of* June, 1652.

Signed BOACHORST.

By Order of the High Lords the States General.

Signed B. RUYSCH.

The States General of the United Low Countries, *to all thoſe that ſhall ſee or hear the Reading of theſe, Greeting:*

'KNOW ye, that having found good, for the Diſpatch of Affairs of Importance, to diſpatch into *England* the Lord *Adrian Pawe*, Knt. Lord of *Heemſted*, *Hogerſmilde*, *Ritwick*, *Newkerk*, and Counſellor Penſioner of *Holland* and *Weſt-Friezeland*, Deputy Ordinary of the ſaid Provinces in our Aſſembly, going in an extraordinary Embaſſy; we therefore will and command thereupon all Lieutenants, Admirals, Vice-Admirals, Commanders and Captains of the Ships of War of theſe Countries, That they take in and tranſport the Baggage and Goods of the ſaid Lord our Ambaſſador Extraordinary, in their reſpective Ships, and tranſport the ſame over into *England*, in Manner as the ſaid Lord Extraordinary Ambaſſador ſhall deſire to tranſport, and as his Lordſhip ſhall command and deſire; accommodating alſo his Lordſhip on Ship-board, and uſing all Reſpect to the ſaid Extraordinary Ambaſſador, his Train, and Baggage; and, having landed them in *England*, to do further as they ſhall be commanded, or already are commanded, or may yet be commanded, as appertaineth to all that it concerneth of all the ſaid Lieutenants, Admirals, Vice-Admirals, Commanders, and Captains, which ſhall not

not perform their Duty, ſhall be puniſhed according to our higheſt Indignation. Inter-regnum. 1652. June.

Given in the Hague, *under our Catchet or Seal Paraphure, and Sign of our Clerk, on the 14th Day of* June, 1652. *Signed* BOUCHORST.

By the Order of the ſaid High and Mighty Lords the States General. Signed B. RUYSCH.

The General States of the United Provinces of the Low Countries, *to all that ſhall ſee theſe Preſents, Greeting:*

'WHereas, for the Common Good of Chriſtendom, and for the Advancement of Affairs of great Conſideration, Importance, and Conſequence, we have found good to ſend towards the Parliament of the Commonwealth of *England*, the Lord *Adrian Pawe*, Knt. Lord of *Heemſted*, *Hogerſmilde*, *Ritwick*, *Newkerk*, *&c.* Counſellor Penſioner of *Holland* and *Weſt-Friezeland*, Deputy in ordinary from this Province in our Aſſembly, in Quality of our Extraordinary Ambaſſador, requiring all Lieutenants, Governors, Chiefs, Colonels, Captains, and Men of War, Guards of Bridges, Ports, Paſſages, and all Places, and, beſides, all other Juſtices, Officers, and Subjects of the ſaid Commonwealth of *England*, to ſuffer him, with his Train, Servants, Followers, Goods, and Baggage, to go, paſs, and repaſs, freely, and without Trouble, both by Water and Land, without doing him, or giving him, or ſuffering to be given him, made, or done, any Trouble, Hinderance, or Diſturbance; but rather all Aid, Help, Favour, and Aſſiſtance neceſſary and requiſite, and that we would acknowledge the ſame moſt willingly in Time and Place.

Given at the Hague, *in our Aſſembly, under our Seal Paraphure and Signing of our Clerk, the 14th of* June. 1652.

Was mark'd A. BOUCHORST.

And lower it was written,

By Order of the ſaid States General, was ſign'd B. RUYSCH,

With the Signet of the ſaid General States in red Wax.

Inter-regnum. 1652. June.

Tuesday, June 15, 1652.

At the COUNCIL *of* STATE *at* Whitehall,

'Ordered, That Report be made to the Parliament of what the Council have ordered and directed touching the Conference with the Lord *Pawe*, Extraordinary Ambaſſador from the Lords the States General, and of the Papers by him delivered to the Commiſſioners of the Council, That by theſe Papers it not appearing to the Council that the ſaid Ambaſſador hath any Power to treat or conclude, the Council have thought fit humbly to preſent and ſubmit the whole to the Conſideration of the Parliament for their Judgment thereupon.'

TRANSLATION *of the* LETTER *of the Lord* PAWE *to the* LORD-PRESIDENT *of the* COUNCIL *of* STATE.

For my Lord the Earl of PEMBROKE *and* MONTGOMERY, *Preſident of the Council of State of the Commonwealth of* England.

My Lords, *June* $\frac{16}{26}$, 1652.

'HAving communicated to my Lords the Ambaſſadors Extraordinary of the United Provinces to the Parliament of the Commonwealth of *England*, what paſſed in my Audience and Conference with the Commiſſioners of the Council of State, and having ſhewed unto them the Inſtructions and Orders of my Superiors, they have thought fit to addreſs the incloſed Paper to my Lords of the ſaid Council of State: But foraſmuch as Sir *Oliver Fleming*. Maſter of the Ceremonies, hath ſignified unto me, That their Excellencies had thought fit to make a Report of the whole Buſineſs to the Parliament this Morning, I judged it convenient to intreat your Excellency that the ſaid Paper may be put into the Hands of the Reporter, to be communicated (as well as the other Propoſitions and Papers) to my Lords of the Parliament. Praying God, my Lord,

to

to bleſs theſe Affairs for his Glory and the Proſperity of both Nations, I will remain ever

Inter-regnum. 1652. June.

Your Excellency's moſt humble Servant,

ADRIAN PAWE.

The PAPER *of the* THREE EXTRAORDINARY AMBASSADORS, *mentioned in the former Letter.*

My Lords,

'THE Lord *Adrian Pawe*, Lord of *Heemſted*, Ambaſſador Extraordinary of the United Provinces of the *Low Countries*, having communicated to us what paſſed at the Conferences with the Commiſſioners; and having ſhewed unto us his Inſtructions, and all the Orders of the Lords the States General of the ſaid United Provinces, we would not omit to aſſure your Excellencies, that we have found the whole in as good Form, and as valid, as can be deſired. And we are very well content, by Virtue of the Powers which have been given us, and exhibited and approv'd, to oblige ourſelves, and ſubſcribe whatſoever the ſaid Lord of *Heemſted* hath tranſacted and negotiated in Proſecution of the ſaid Orders; as alſo whatſoever he may tranſact or negotiate as above, either by himſelf or jointly with us, as ſhall be thought moſt conducing to the better perfecting of the Treaty of Alliance between the Commonwealth of *England* and the United Provinces of the *Low Countries*.

Given the 26th of June, 1652.

Thurſday, the 17th of *June*, 1652, reſolved, upon the Queſtion, by the Parliament, That, upon Conſideration of the Report made from the Council of State, the Parliament doth think fit and order, That the Council of State do proceed with the Lord *Pawe*, Ambaſſador Extraordinary from the Lords the States General of the United Provinces, according to former Directions.

HEN. SCOBELL, *Cleric. Parliamenti.*

Inter-regnum. 1652. June.

A Paper received from the Lord PAWE, June 17, 1652.

To the Right Honourable the Council of State,

'THE Ambaſſador Extraordinary of the States General of the United Provinces of the *Low Countries* finds himſelf neceſſitated to demand, moſt inſtantly, another Audience of the Lords Commiſſioners of the Honourable Council, and that as ſoon as poſſible may be, as well to receive from them the moſt deſired Anſwer upon thoſe Things that he hath already propounded in the laſt Conferences, as alſo to make to their Honours, according to the expreſs Charge he hath from his Superiors, other Overtures upon Things of ſo high Concernment, that they can ſuffer no Delay: Therefore he deſireth earneſtly, that this juſt Demand be as ſoon as can be granted unto him.'

A Tranſlation of the Paper of the Lord Ambaſſador PAWE, June 17, 1652.

'THE Extraordinary Ambaſſador of the United Provinces hath repreſented to the Lords Commiſſioners of the Honourable Council of State, in the third Conference held this Day, as followeth:

'That the States of the United Provinces have ſhewed themſelves, and are yet reſolved, to remain faſt to the Amity and intimate Correſpondence with this Commonwealth, as they have yet of late made it appear, by granting, during theſe Fallings-out, to the Company of *Engliſh* Merchant Adventurers ſettled in *Holland*, all the Security and Protection that they have deſired, even with this annexed Promiſe, To continue in the ſame good Will towards them, though the Diſtemper ſhould proceed further.

'That which happened about *Dover* or the *Downs* ſhould not breed a general Quarrel between the two States; but that the ſame Miſchance ſhould be taken for a perſonal Action, for which thoſe are to anſwer who ſhall be found to have exceeded their Commiſſion.

'And to the End that this Buſineſs might be compoſed according to the Fact, and the neceſſary Satis-

Satisfaction done, that it were moſt fit and expedient to have it examined by Commiſſioners deputed of both Sides, to have that Perſon puniſhed which ſhall be found guilty, according to the Uſe and Maxims of all States and Commonwealths, by which Means their Quiet and Tranquility, as well within as without, with their Neighbours, is conſerved. Inter-regnum. 1652. June.

'Moreover, that the Ships of War meeting at Sea, and behaving themſelves as before, and during the Time of the former Government, there ſhall be thereupon no more Diſpute hereafter.

'And that when the Confederation now to be done ſhall be concluded, according to the earneſt Deſire of the States General, the Friendſhip between both States and their Subjects ſhall be more perfect, permanent, confident, and inviolable; and the truly orthodox Religion, which they, by God's ſpecial Favour, do profeſs, ſhall have a moſt potent and ſure Protection.

'The ſaid Ambaſſador having again propounded the aforeſaid Means, and having added to them ſeveral Reaſons and Arguments of great Strength, hath deſired to be informed thereupon of the Intent of the Honourable Council of State, offering to anſwer and give Satisfaction upon the remaining Difficulties.

'Or otherwiſe, that it might pleaſe the Lords Commiſſioners to confer with him upon that Matter, or to propound, on their Part, what they may find to be reaſonable and juſt, to compoſe, ſpeedily, that unhappy Accident, promiſing to contribute, of his Side, all that ſhall any ways be in his Power, with his moſt earneſt Intreaties, That the Honourable Council might be, without Delay, acquainted withall; and that the Time and preſent Affairs might be ſo well huſbanded, that the Buſineſs might be compounded by convenient Ways, and without Interruption of the public Peace, and further Exacerbation of the Minds and Spirits of both Nations. All which the ſaid Ambaſſador hath recommended and offered, with much Affection, to prevent all Provocations and Inconveniencies.'

Inter-regnum. 1652. June.

The ANSWER *of the Council of State, to the Summary of the Lord* ADRIAN PAWE, *Extraordinary Ambaſſador of the States General of the United Provinces, preſented to the Council the* $\frac{2}{12}$*th of this Inſtant* June.

'WHat the Thoughts and Judgment of the Parliament have been concerning the late Intentions of the Lords your Superiors, and the late Actings of your Fleet within the very Roads of *England*, your Excellency hath underſtood by the Parliament's Anſwer given unto the three Papers of the Extraordinary Ambaſſadors of your State, before your Excellency's Arrival here; which Anſwer, together with the State of the Fact, and the Examinations thereupon had, and then given in, your Lordſhip takes Notice of in your Papers now before the Council; neither doth any Cauſe appear to vary from that Judgment, upon any thing ſince offered by your Excellency. And ſince the Attempt made by the Fleet of the United Provinces, with the Preparations thereunto (all projected and acted by way of Surprize, and in a Time of Treaty) had the ſame prevailed, would have highly hazarded the Safety of *England*, it cannot ſtand with Reaſon, that this Commonwealth, after ſuch a Warning and great Preſervation (which they owe only to God) ſhould leave itſelf naked and expoſed to the like Danger for the future, or ſuffer itſelf, in a Caſe ſo evident and notorious, under Pretence of more ſolemn Examinations, or from Examples of other States, which ſuit not with this Caſe, to be diverted from applying Remedies agreeable to the Nature of this Evil: And therefore the Council cannot admit of what is propounded by your Excellency, either as to the paſſing by what is done, or attending the Way of Examinations mentioned in your Papers, which to them ſeem needleſs, dilatory, and impracticable.

'Touching the Overture of re-admitting the late Treaty, begun by the other Lords Ambaſſadors Extraordinary of your Nation, after ſo high a Breach thereof, we conceive it cannot be ſeaſonable, untill the

the Wound, now under Cure, be thoroughly closed and healed. Inter-regnum. 1652. June.

'And whereas your Excellency hath thought fit frequently to assert the amicable Mind and Intentions of the Lords your Superiors towards this Commonwealth, and hath given Instances of some late Orders and Acts, tending to the Expression of the same; specially concerning the Honour and Respect to be paid unto this Commonwealth at Sea, (being the antient and undoubted Right of this Nation) and granting of the Protection desired by the *English* Merchants now at *Rotterdam*, the Parliament hath not been wanting, on their Part, from Time to Time, to manifest their Desires of Amity with the United Provinces of the *Low Countries*, nor to afford unto the People thereof, residing here, all necessary Protection, tho' undesired. Nevertheless, in the present Posture of Affairs, it cannot reasonably be expected, that this State should forbear the Prosecution mentioned in the Parliament's said Answer, for the Ends therein expressed.

Whitehall, June 19, 1652.'

A Translation of a PAPER *of the Lord Ambassador* PAWE, *of the* $\frac{21}{1}$*st of* June, July, *desiring a Conference with the Commissioners of the Council of State.*

To the Right Honourable Council of State,

'THE Extraordinary Ambassador of the United Provinces, having, the $\frac{2}{12}$th of this Instant, about the Evening, received, by the Hands of Sir *Oliver Fleming*, the Answer which the Honourable Council of State hath been pleased to give him, upon the Summary of those Things by him propounded the $\frac{3}{13}$th, he findeth himself bound to demand, most instantly, another Conference with the Lords Commissioners of the Council, that he may explain unto them more particularly, and more fully, his Superiors' Intentions, and the better perform the Duty of his Office.'

Another

Inter-regnum. 1652. June.

Another PAPER *of the Lord* PAWE, *of the 21ſt of* June, 1652.

To the Honourable Council of State,

'THE Extraordinary Ambaſſador of the United Provinces having, the $\frac{8}{18}$th of *June*, in the Evening, ſomething late, received, by the Hands of Sir *Oliver Fleming*, the Anſwer which the Honourable Council hath been pleaſed to give him upon the Summary of the Things propounded the $\frac{1}{11}$th of the ſame Month.

'He hath thought himſelf bound, for the better Performance of the Duty of his Employment, to aſſert again here ingenuouſly, as he hath done before, according to the Notice and Knowledge he hath of the moſt intimate Deliberations and Conſultations of the States General, his Superiors, that they having no ways propounded, deliberated, nor reſolved, to give any Suſpicion, or the leaſt Occaſion of Offence, againſt the Fleet, or Ships, of this Commonwealth, he did believe that it would have been ſufficient to take away all Conceits of the contrary: He hath alſo truly repreſented the Accident that happened between the two Fleets by *Dover* or the *Downs*, as it came to the Knowledge of his Superiors by ſincere Atteſtations of truſty and blameleſs Perſons; and hath, to avoid all further Conteſtations, inſtead of inſiſting upon thoſe Proofs, opened a Way, by which the true and infallible Knowledge of the ſame might have been found out, and by that Means the Satisfaction done that could be lawfully pretended.

'Therefore that Miſchance cannot be any ways imputed to his Superiors, who never had the leaſt Thought, nor in any ſort contributed, towards the Infraction of the Friendſhip which hath always been moſt dear to them, and leſs towards the Interruption of the Treaty of Confederation; for the perfecting of which they have had, and have ſtill here, their Extraordinary Ambaſſadors.

'That may ſufficiently appear by the firm and conſtant Reſolution of his Superiors, that have never been willing to grant any Letters of Mart or Repriſal

prizal upon the continual Complaints and reiterated Petitions, even the Importunities of the Perſons intereſted in the Ships taken, arreſted, and confiſcated here, for Fear of giving any Occaſion of Diſcontent to this Commonwealth. Inter-regnum. 1652. June.

'The ſame is clearly ſeen by the Protection granted to the *Engliſh* Company ſettled at *Rotterdam*, (tho' *ex ſuperabundanti*, and they had no Need of the ſame) to expreſs more ſpecially their good Intentions; the which may be alſo juſtified by all their Actions, none of this State having yet, to this preſent, received the leaſt Damage, Offence, or Injury, for all the ſaid Proceedings; even our Ships of War having rather ſuffered themſelves to be brought into the Ports of *England*, and there to be detained, than endeavoured to defend themſelves againſt thoſe whom they have always made Account to be their good Friends, as having never heard of any Publication to the contrary.

'And to make that Teſtimony of Friendſhip the more authentical to this Commonwealth, his Superiors have ſent a ſecond Extraordinary Embaſſage, to diſabuſe all thoſe that might be pre-occupated or miſinformed, and to help the furthering and perfecting of the ſaid Treaty.

'But in caſe all thoſe Overtures and Means of Reconciliation be rejected, and it be reſolved here to make Uſe of thoſe Ways, which, inſtead of aſſuaging, ſhall increaſe the Evil, and which being againſt all Maxims of all States and Commonwealths, (who never give their Judgment upon Signs, Preſumptions, and Suſpicions, but upon infallible and unreproachable Proofs, and as clear as the Sun is at Noon; and who, during a Treaty, do always command, moſt ſtrictly, a Ceſſation of all Ways of Fact) ſhall the more ſurprize my Superiors, and cauſe ſtrange Alarms to their People, by making thoſe ſuffer which are guiltleſs and coming from far, who never had the leaſt Suſpicion, or heard the leaſt Rumour, of a Falling out between both States.

'Whereupon the ſaid Ambaſſador muſt needs be very much ſurprized and ſorry, deſiring, That the ſaid

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ſaid Lords Commiſſioners be pleaſed (that no Way for a happy Agreement may be neglected) to propound for, on their Part, ſome other Expedients, (ſeeing they have expreſſed in their laſt Anſwer given to the other Extraordinary Ambaſſadors, *That the moſt ſweet Ways will be always the moſt pleaſing to them)* which may be fit, ſatisfactory, and convenient, to compoſe, as ſoon as can be, that unhappy Buſineſs, and reſtore all Things to their firſt Temper.

'And that in the mean Time they be alſo pleaſed to inhibit all Ways of Fact, and to give Order, That the Ships detained may be ſpeedily ſet at Liberty, praying very earneſtly the Honourable Council to explain their Mind thereupon, as alſo to give an Anſwer upon the laſt Articles of the Paper exhibited the $\frac{2}{12}$th of *June*, to make him the more able to contribute his beſt Offices for the Good and Strengthening of the two Commonwealths. This $\frac{2}{12}$ſt of *June*, 1652.'

Another PAPER *of the Lord* PAWE, June 23, 1652.

To the Honourable Council of State,

'THE Extraordinary Ambaſſador of the United Provinces, conſidering the Importance of the Affairs now in Hand, and the imminent Dangers that threaten both States, is forced to be importunate with your Honours, in recommending moſt earneſtly the Care of your Anſwer upon his laſt Conference; and intreating you, with all his Affection, that the ſame may be a convenient and lawful Means to aſſuage the Differences, and reſtore the Union and perfect Intelligence between both Commonwealths, and their reciprocal Subjects. —— This $\frac{2}{12}$d of *June*, 1652.'

The

The ANSWER *of the* PARLIAMENT *to that Part of the* PAPER *given by the Lord* PAWE, *whereby he desires the Commissioners of the Council to propound what they shall think reasonable and just to compose speedily the present Differences between this Commonwealth and the Lords the States General of the United Provinces.* Friday, *the 25th of* June, 1652.

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I. 'THAT the Lords the States General of the United Provinces do pay and satisfy, unto this Commonwealth, the Charges and Damages this State hath sustained, and been put unto, by the Preparations of the said States General, and their Attempts this Summer, the Particulars whereof shall be in due Time produced.

II. 'That, upon the Payment of the Sum to be agreed upon as aforesaid, for Charges and Damages, or securing the same to the Satisfaction of the Parliament, there shall follow immediately thereupon a Cessation of all Acts of Hostility, and the Ships and Goods, taken since the late Differences, shall be released.

III. 'The two former Propositions being assented unto, and put in Execution, the Security for the Time to come, which the Parliament does expect, is by both States contracting a firm Alliance and Consistency of Interest for the Good of both; which the Parliament of *England* is willing, on their Part, by all just Ways and Means, to endeavour.

Friday, June 25, 1652. At the Council of State at *Whitehall*, ordered, That the Commissioners appointed formerly to meet and treat with the Lord *Pawe*, Extraordinary Ambassador of the United Provinces, do deliver unto the said Lord Ambassador the Answer of the Parliament of the 25th of *June* instant, to that Part of the Paper presented unto them by the Council, from the said Lord *Pawe*, whereby his Lordship doth desire the Commissioners of the Council to propound what they should think reasonable and just, to compose speedily the present Differences

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ferences between this Commonwealth and the Lords the States General of the United Provinces.

Exam. JO. THURLOE,
Clerk of the Council.

A PAPER *of the Lord* PAWE, June 26, 1652.

To the Right Honourable Council of State,

'THE Extraordinary Ambaſſador of the United Provinces having Yeſterday had a Conference with the Lords Commiſſioners of the Council, and received from them two Papers upon the ſame Subject, he deſireth earneſtly they will be pleaſed to give again Order, without Loſs of Time, for a new Conference with the ſaid Lords Commiſſioners, that ſome Things may be better explained and cleared of both Sides, and a ſpeedy Compoſure made of the Buſineſs.—This $\frac{26}{6}$th of $\frac{June}{July}$, 1652.'

Another PAPER *of the Lord* PAWE, *the ſame Day.*

To the Honourable Council of State,

'THE Extraordinary Ambaſſador of the United Provinces hath propounded, at a Conference held the $\frac{26}{6}$th of $\frac{June}{July}$, 1652, with the Lords Commiſſioners of the Council of State, the following Articles:

'That the States General having been forced, for the Reaſons already alledged, to make extraordinary Preparations at Sea, have been put to exceeding great Charges, which do continue yet at this preſent.

'That their Subjects, beſide the extreme great Loſſes they have had heretofore at Sea, have received very great ones by the Letters of Mart granted as well againſt the *French* as againſt the ſaid Subjects of the United Provinces, and upon ſome other Pretences.

'That the State and their Subjects have ſuffered much, and received great Damages of late, by the taking and ſpoiling of ſeveral Ships of War, and by the arreſting of all the Merchants Ships.

'And

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'And that, if a Reimburſement of the Charges and Damages ſhould be thought of, they ſhould be weighed of both Sides one againſt the other, and that it ſhould be conſidered whether they have not been greater on the United Provinces Side.

'However, there muſt a reaſonable Eſtimation be made, and the Buſineſs not referred to a Production of Accounts, which requireth a long Examination.

'And if the ſaid Commiſſioners be pleaſed to cauſe that Eſtimation to be made in moderate Terms on their Part, it will appear from thence whether there is, at this Side, any Willingneſs or Intent to compound the Things paſſed according to Reaſon, and friendly, or whether there is a Deſign to propound Things impoſſible and unfeaſible.

'As concerning the Confederacy between both Commonwealths, and the mutual aſſiſting one another againſt thoſe that ſhall offend or aſſault them, the other Extraordinary Ambaſſadors have made the true Intentions of their Superiors known thereupon, and are ready to go on in the ſame Negotiation, and to bring it to an End without Loſs of Time.

'If the ſaid Lords Commiſſioners do think fit that the ſaid Confederacy ſhould be more ample and more ſtrict, that will not only be more pleaſing to the ſaid Ambaſſador, but he alſo intreateth, very earneſtly, that he may be clearly informed thereupon.

'Putting at the ſame Time into Conſideration, whether it will not be moſt convenient, even moſt neceſſary, to give Order that the Fleets do not come near, nor engage, any more one with the other; the ſaid Ambaſſador fearing much it ſhould ſoon be commanded otherways at the other Side, chiefly if the abovefaid Order be not ſpeedily given here.

'And deſiring, moreover, that the Ships which are arreſted may be ſpeedily releaſed, and that no Prize may be any longer detained; to the End that the Minds of the People being ſomething pacified, they may be rather invited by mutual Friendſhip and Love, and of their own Accord, than brought by Conſtraint to unite again by an indiſſoluble Confederacy.

'A

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'As alſo that the ſaid Ambaſſador may receive, upon theſe, ſo ſpeedy and ſo favourable a Declaration, that he may, with more Hope of Succeſs, uſe his Endeavours with his Superiors, and effect what, in this Conjuncture of Time and Affairs, is moſt expedient and neceſſary; and that he may do it without Delay, according to the expreſs Order he hath from his ſaid Superiors, which he is bound to follow exactly.

'The Council of State having conſidered of the Paper this Evening delivered in by their Commiſſioners from the Lord *Pawe*, Extraordinary Ambaſſador of the Lords the States General of the United Provinces, and finding therein no clear or direct Anſwer to the laſt Paper of Demands tender'd unto his Excellency in the Name of the Parliament, they do deſire a ſpeedy and poſitive Anſwer thereunto, at leaſt unto the firſt Article thereof; eſpecially becauſe, that being aſſented unto, the Council might ſpeedily apply themſelves to a reaſonable and moderate aſcertaining the Sum; to the End that, immediately upon Performance of the ſecond Article, all Acts of Hoſtility might be forborne, and Reſtitution made of the Ships and Goods detained. The third Article, in the Nature thereof, not requiring ſo preſent a Tranſaction. *Ex.* JO. THURLOE,

Whitehall, June 26, 1652. *Clerk of the Council.*

A PAPER *from the Lord* PAWE, June 27, 1652.

To the thrice-illuſtrious COUNCIL *of* STATE,

'THE Extraordinary Ambaſſador of the United Provinces having conſidered the Anſwer delivered unto him Yeſterday, at Evening, by Sir *Oliver Fleming*, upon the Conſiderations heretofore by him propounded, doth moſt inſtantly crave that it may pleaſe this thrice-illuſtrious Council of State to grant him one other Conference this Afternoon, that he may more particularly deduct the Intentions of his Superiors, and withall likewiſe ſatisfy both their Excellencies and his own Duties.

Signed ADRIAN PAWE.

27th of June, 1652.

Another

Another PAPER *of the Lord* PAWE, June 27, 1652. Inter-regnum, 1652.

To the Right Honourable the COUNCIL *of* STATE, June.

'WHile the Extraordinary Ambaſſador of the United Provinces was buſied about the writing of the Anſwer upon the Paper delivered to him Yeſterday, very late, by Sir *Oliver Fleming*, from this Honourable Council, he was, to his great Grief, informed that this Commonwealth's Fleet was gone to Sea to execute ſome Deſign.

'The ſaid Ambaſſador hath alſo, by ſeveral Letters, received Order from his Superiors, That in Caſe he could not obtain, by all poſſible Endeavours, the Ceſſation of Acts of Hoſtility, he ſhould, with all Speed, return back again into the *Low Countries* to acquaint them with his Negotiation.

'And as the ſaid Ambaſſador can advance no further in the ſaid Negotiation, of which he was charged to give an Account to his ſaid Superiors with all Speed, he therefore deſireth to be admitted To-morrow to take his Leave of this Honourable Council, to go over, as ſoon as can be, in the Ship of War whereof *John Verhaef* is Captain, who was commanded to bring him hither and back again; and that he may have a Letter, or a Paſs, of the Honourable Council, to be tranſported over without any Hinderance or Trouble, and without being moleſted or arreſted by the Parliament's Ships.

'The other Extraordinary Ambaſſadors having, in the mean Time, informed and ſhewed him that they had received the like Order and Command, have intreated him to demand, in their Name, that they may alſo, at the ſame Time To-morrow, have Audience to take their Leave of this Honourable Council; as alſo be provided with ſuch Ships as they ſhall have Need of for the Tranſport of their Perſons, Train, and Baggage; as alſo with ſuch Paſſes as ſhall be neceſſary for the Security of their Paſſage.

'The ſaid Ambaſſador deſireth that he may receive a ſpeedy Anſwer upon theſe, being a Thing of very great Importance.'

June

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June 27, 1652.

At the COUNCIL *of* STATE *at* Whitehall.

'Upon Conſideration of the Report made of the Paper delivered in to the Commiſſioners this Evening by the Lord *Pawe*, Extraordinary Ambaſſador from the United Provinces, the Council hold themſelves obliged to repreſent the ſame to the Parliament, which they ſhall do upon *Tueſday* Morning, at their firſt Sitting; and, in the mean Time, can give no other Anſwer to the ſaid Lord Ambaſſador upon this Subject.

Exam. JO. THURLOE,
Clerk of the Council.

A PAPER *of the Lord* PAWE, *of* June 28, 1652.

To the Right Honourable the COUNCIL *of* STATE,

'THE Extraordinary Ambaſſador of the United Provinces having ſeen the Anſwer of the Honourable Council given upon his Propoſition made Yeſterday, hath thought fit to declare again, That his Intention is to do his beſt when he ſhall be arrived in his Country, that, upon the Overtures made to him, or can yet be made, there may be ſuch convenient Means and fit Expedients found, chiefly to make all Miſapprehenſions and Alienations of Minds, as well as all Acts of Hoſtility, ceaſe; that a fair Agreement upon the Buſineſs paſt, and conſequently a firm Union and Confederacy between both States, as alſo a good Settlement between both Nations, may enſue, from which their own Proſperity and Happineſs may flow, and all Inconveniences be prevented for the future.

'And as his Reſolution is godly, honeſt, and, if it ſucceedeth, moſt conducing to the Common Safety; as alſo that it muſt be ſpeedily, and before Things proceed further, put in Execution.

'The ſaid Ambaſſador deſireth that it may pleaſe the Honourable Council to weigh all theſe, and to order that all may be done that may be for that Purpoſe, towards the promoting of the ſame.

'And

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'And as the Time is moſt precious, it will be very neceſſary that he may ſpeedily be admitted to his Audiences; as alſo he may ſoon have the fit Expeditions concerning the Ship that brought him, and ſtayeth for his Return at *Graveſend*, to bring him back again into the *Low Countries*, with the Paſs he hath demanded for his Security, and to avoid all Misfortunes that might meet him at Sea.

'The ſaid Ambaſſador doth wholly perſuade himſelf, that the Honourable Council will be pleaſed to give Order, That, in Conſideration of his Quality, he be uſed in the ſame Manner at his Departure and taking of his Leave, as he hath been at his Coming and Reception, for which Favour he thanketh the Honourable Council moſt kindly.'

Another PAPER *of the ſame Date.*

To the Right Honourable the Council of State,

'THE Extraordinary Ambaſſador hath thought fit to propound here, whether this Honourable Council could not approve, That, after his Report made to the Lords the States General, his Secretary, or ſome other faithful Perſon, ſhould be ſent to maintain and foment the mutual Correſpondence, and deliver, as well as receive from both States, what may ſerve to the compounding of Things paſt, and to the re-eſtabliſhing of the Union and Confederacy.

'And whether, to this End, the Honourable Council would be pleaſed to command ſuch Paſſes to be granted, by Virtue of which he might freely and ſafely come back and ſtay here, as long as the Parliament of the Commonwealth of *England*, or the Lords the States General, may find it convenient.

'Or otherwiſe, That it may pleaſe the Honourable Council to name or denote here ſomebody that be agreeable to them, and fit to receive the Letters that might be written upon that Subject, and to ſollicit the Anſwers thereunto.'

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A PAPER *of the three* AMBASSADORS, *dated* June 28, 1652.

To the COUNCIL *of* STATE *of the Commonwealth of* ENGLAND,

'WHereas we the Ambaſſadors of the Lords the States of the United Provinces of the *Low Countries*, by their laſt Letters, have received Order, without any Delay, to make Haſte again to our Country, and there to give an Account of what we have here done; we therefore do earneſtly pray this Senate to ſuffer us that we take, as it befits us, Leave of this moſt illuſtrious Aſſembly, and may have Ships that may conveniently ſerve for our own Tranſportation, and for that of our Train and Goods; and beſides, that ſuch ſafe Conducts or Paſſes be granted us that may make our Journey ſafe. Here are ſome of our Ships ready, *viz.* Capt. *Jaepden Boer*, with three ſmaller Veſſels of the City of *Dort*.

Signed { I. CATS. G. SCHAEP. VANDEPERRE.

The Lord PAWE's SPEECH *in Parliament, at his taking Leave*, June 30, 1652.

Right Honourable,

'THE States General of the United Provinces of the *Low Countries* have firſt ſent their Extraordinary Ambaſſadors to the Parliament of the Commonwealth of *England*, to do their earneſt Endeavours for the ſtrengthening and confirming of the antient Amity and Friendſhip between both Nations, and for the eſtabliſhing of an everlaſting Alliance between both States, and to bring thoſe Things to a happy Concluſion for the common Utility and Security; and afterwards the Lord *William Newport*, a Member of the States of *Holland* and *Weſt-Friezeland*, to take away ſome Doubts, and to witneſs more fully of the good Intentions of our Superiors concerning the Treaty of Confederacy.

'At

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'At laſt it hath pleaſed the ſaid Lords States to prepare, ſome few Days ago, a new Extraordinary Embaſſage to the ſaid Parliament, and to give me that Employment, with an expreſs Command to bear again, over and above, Witneſs of their faithful Dealing, and of their moſt ſincere Intention towards this Commonwealth, and to diſſolve and remove all the ſtrange and unthought-of Accidents, and all the Stoppings and Hinderances thereby cauſed and oppoſed to their good Intent; by which Means I might, by all my Endeavours, promote to a happy Concluſion the Treaty of Alliance already begun.

'To that End it hath been propounded, amongſt other Things, That there ſhould be an Enquiry and Examination made, by fit Perſons of both Commonwealths, of all that lately paſſed and was done between the two Fleets without any Deſign, but by meer Chance, and a juſt and lawful Satisfaction ſtated; for we do witneſs and proteſt before God and all the Chriſtian World, as well as in the Preſence of the Parliament of the Commonwealth of *England*, That the States have not had the leaſt Mind of offending or troubling this Commonwealth, much leſs of committing any Hoſtility againſt them; but rather that they have had nothing more in their Hearts than to entertain and maintain, with this State, all true Friendſhip and firm Peace, even to come to a ſtricter Union and Confederacy with them.

'But as it hath unhappily happened that, after extraordinary Pains taken, and all the beſt Endeavours done of all Sides, to conſerve the common Quiet, and remove all Hinderances, both Embaſſages have not only miſſed their Ends, but that, to the contrary, not only great Troubles have been given, extraordinary Loſſes have been cauſed, but huge Dangers; as alſo Acts of Hoſtility not looked for, neither at any Time before declared, are threatened from the *Engliſh* Fleet to the States of the United Provinces.

'Both Embaſſages hath thought fit, to prevent the enſuing Evils, and upon a Buſineſs ſo unuſual, to return into their own Country, to give an Account

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of their Negotiation to their Superiors, and to be acquainted with their further Commands.

'To that End we do preſent ourſelves together to the Supreme Authority of this Commonwealth, and declare. That we have a Command to return back, and that we are ready to take our Journey.

'We have given Notice to the Honourable Council of State of this Commonwealth of thoſe Things that are neceſſary to us for our Tranſport, according to our Quality and the Seaſon, and do look and wait for an Anſwer thereupon, hoping that the neceſſary Expeditions ſhall be done.

'In the mean Time we cannot be wanting to our Duty, but are forced again to deſire moſt earneſtly, That all our Ships that have been brought into the Ports of *England*, and there detained of late againſt our Thoughts, and before any Declaration of Hoſtility iſſued out, and whereof the Commanders are unawares and guiltleſs, having not given the leaſt, nor to Nobody, Occaſion of Diſpute, may be releaſed and ſuffered to go freely, with their Officers, Mariners, Merchandizes, Packs, and Loads, and the whole Company, and to perform their Journey without any Wrong or Injury; which we do pretend to be due to our old Friendſhip, to the Right of Nations, and have been obſerved between Chriſtian People, as well as we hope to have it granted by the Juſtice and Equity of this great and moſt Honourable Aſſembly.

'Furthermore, we do intreat, with all our Hearts, the great God of Heaven, who is the Author and Promoter of Peace and Concordance, that he will be pleaſed to afford ſuch Thought and Counſel to the Parliament of the Commonwealth of *England*, as may tend to the mutual Peace of both States, to the Conſervation of the Chriſtian, Reformed, and Orthodox Religion, which hath no better Foundations than upon Peace, and can never better thrive and flouriſh than by Peace, and will, without any Doubt, be afflicted and deſtroyed by our Troubles and Fallings-out; as alſo that he will, in his Mercy, prevent the Deſtructions and Miſeries of Wars, and beſtow

bestow abundantly his heavenly Blessings upon both Commonwealths. We shall end upon these Wishes, and being commanded to repair in Haste into our Country, we shall, with all thankful Acknowledgement for all Favours done to us, as well as with all due Respects, take our Leave of this most Honourable and Supreme Assembly of the Commonwealth of *England*, with Confidence that they will not deny us those Things which we have already expressed, and are granted every where to the Ambassadors for their Quality and Security. Inter-regnum. 1652. June.

Pronounced and delivered to the Parliament of the Commonwealth of England, *the* $\frac{30}{10}$*th of* $\frac{\text{June}}{\text{July}}$, 1652, *by the Extraordinary Ambassadors of the States General of the United Provinces.*

'We do besides deliver a Petition, put into our Hands by the *Dutch* Merchants, desiring they may enjoy the same Security and Protection which hath been lately granted, in the best Form, to the *English* Merchants in our Provinces.

'We desire also, at last, That, besides the two *Dutch* Men of War, there should be another of those that are in the *Downs* granted to us for our Passage, seeing we are a very great Company, wherein are some Women of Quality, with much Carriage, which will put us to great Inconveniences, besides the Heat of this Season, except we be fitted with the said Ship.'

Inter-regnum. 1653. June.

Though *Cromwell*'s Speech to his Convention-Parliament, in Vol. XX. p. 153, *June* 4, 1653, be long-winded enough, yet the Concluſion of it was omitted in our Copy. We have ſince been enabled to ſupply that Defect from another, which will fall in at p. 175, *ibidem*.

Concluſion of one of *Cromwell*'s Speeches.

'—— I have only this to ſay further, That the 'Affairs of the Nation laying on our Hands to be 'taken Care of, and knowing that both the Affairs 'at Sea, the Armies in *Ireland* and *Scotland*, and 'the providing of Things for the preventing of In-'conveniences, and the anſwering of all Emergen-'cies, did require that there ſhould be no Interrup-'tion; but that Care ought to be taken for theſe 'Things. And foreſeeing likewiſe, that, before you 'could digeſt yourſelves into ſuch a Method as you 'may think beſt, both for Place, Time, and other 'Circumſtances, in the Way you ſhall purpoſe to 'proceed in, you would aſk ſome Time, which the 'Commonwealth would not bear, in reſpect of the 'managing of Things, I have, within a Week, ſet 'up a Council of State, to whom the managing of 'Affairs is committed; who, I may ſay, very volun-'tarily and freely, before they ſee how the Iſſue of 'Things would be, engaged themſelves in Buſineſs, 'eight or nine of them being Members of the Houſe 'that late was. I ſay, I did exerciſe that Power that 'I thought was devolved upon me at that Time, to 'the End that Affairs might not have any Interval: 'And now, when you are met, it will aſk ſome 'Time for the ſettling of your Affairs, and your 'Way, and a Day cannot be loſt, but to be in a 'continual Council till ſuch Time as you ſhall take 'further Order; ſo that the whole Matter of their 'Conſiderations are alſo at your Diſpoſal, as you 'ſhall ſee Cauſe; and therefore I thought it my 'Duty to acquaint you with thus much, that you 'may not be diſtracted in your Way, that Things 'have been thus ordered, that your Affairs will go 'on till you ſee Cauſe to alter this Council, they 'having no Authority, nor longer to ſit than untill 'you ſhall take further Order.'

At

Inter-regnum. 1657. April.

At Page 61, Vol. XXI. of this Hiſtory, there is an *Hiatus* made, by Want of the Protector's Speech to a Committee of Parliament at *Whitehall*, upon *Friday*, *April* 3, 1657. This Speech has ſince fallen into our Hands, together with another of the ſame Perſon's, which he made to another Committee of his Parliament appointed to wait on him at *Whitehall*, on the 8th of the ſame Month, of which there is only an Abſtract given in the Hiſtory, at Page 62. Theſe two Speeches therefore we ſhall place together as follows:

The PROTECTOR's SPEECH *to a Committee of Parliament in* Whitehall, *upon* Friday *the* 3*d of* April, 1657.

My Lords,

Cromwell's Speech to a Committee of Parliament.

'I Am heartily ſorry I did not make my Deſires known to the Parliament before this Time, which was, That I acquainted you with by Letter this Day. The Reaſon was, becauſe ſome Infirmity of Body had ſeized upon me theſe two laſt Days, Yeſterday and *Wedneſday*. I have, as well as I could, taken Conſideration of the Things contained in this Paper, which was preſented to me by the Parliament, on *Tueſday* laſt, in the Banquetting-Houſe, and have ſought God that I might return ſuch an Anſwer as might become me, and be worthy of the Parliament. I muſt needs bear this Teſtimony to you, that you have been zealous of the two greateſt Concernments that God hath in the World; the one is that of Religion, and Preſervation of the Profeſſors of it; to give them all due and juſt Liberty, and to aſſert the Truths of God, which you have done in Part in this Paper, and do refer them to be done more fully by yourſelves and me. And as to the Liberty of Men profeſſing Godlineſs under the Variety of Forms amongſt us, you have done that which was never done before; and I pray God it may not fall upon the People of God, as a Fault in them, or any Sort of them, if they do not put ſuch

Inter-regnum. 1657. April.

a Value on what was done, as was never put on any Thing since *Christ*'s Time, for such a Catholic Interest of the People of God. The other Thing cared for is the Civil Liberty and the Interest of the Nation; which though it is, and I think ought to be, subordinate to a more peculiar Interest of God, yet it is the next best that God hath given Men in the World; and, if well, is better than any Words to fence Men in their other Interests: And if any one whatsoever think the Interest of the Nation and the Interest of the People of God inconsistent, I wish my Soul may not enter into his and their Secrets. These are Things I must acknowledge Christian and Honourable, and are provided for by you like Christian Men, and Men of Honour, and, like yourselves, *Englishmen:* And to this I must and shall bear my Testimony whilst I live, against all Gainsayers whatsoever. And upon these two Interests, if God shall count me worthy, I shall live and die; and I must say, if I were to give an Account before a greater Tribunal than an earthly one, and if I were asked why I have engaged all along in the late Wars, I could give none; but it would be a wicked one if it did not comprehend these two Ends. Only give me Leave to say, and to say it seriously, the Issue will prove it so, that you have one or two Considerations that do stick with me; the one is, you have named me by another Title than I now bear. You do necessitate my Answer to be categorical, and you have made me without a Liberty of Choice; save, as to all, I question not your Wisdom in doing of it, but I think myself obliged to acquiesce in your Determination, knowing you are Men of Wisdom, and considering the Trust you are under. It is a Duty not to question Reasons of any Thing you have done. I should be very brutish should I not acknowledge the exceeding high Honour and Respect you have had for me in this Paper. Truly, according to what the World calls good, and hath all Good in it, according to the World's Comprehension, Sovereign Power, you have testi-

fied

fied your Value and Affection, as to my Perſon, as high as you could, more you could not do; I hope I ſhall always keep a grateful Memory of this in my Heart, and by you I will give the Parliament this my grateful Acknowledgment. Whatever other Men's Thoughts may be, I ſhall not know Ingratitude: But I muſt needs ſay, That what may be fit for you to do, may not be fit for me to undertake. As I ſhould reckon it a very great Preſumption, ſhould I aſk of you the Reaſon of doing any one Thing in this Paper, except ſome very few Things, the Inſtrument bears Witneſs to itſelf: So you will not take it unkindly, if I aſk of you this Addition of the Parliament's Favour, Love, and Indulgence to me, if it be taken in tender Part, if I give ſuch an Anſwer as I find in my Heart to give in this Buſineſs, without urging many Reaſons for it, ſaying ſuch as are moſt obvious and moſt for my Advantage in anſwering; to wit, I am unable for ſuch a Truſt and Charge; and if the Anſwer of the Tongue, as well as the Preparation of the Heart, be from God, I muſt ſay my Heart and Thoughts, ever ſince I heard the Parliament's, were upon this Buſineſs. Inter-regnum. 1657. April.

'Though I could not take Notice of your Proceedings therein, without Breach of your Privileges, yet, as a common Perſon, I confeſs I heard of it as in common with others. I muſt ſay, I have been able to attain no further than this, that ſeeing the Way is hedged up, as it is to me, I cannot accept of the Things offered, unleſs I accept all. I have not been able to find it in my Duty to God and you, to undertake this Charge under that Title. The moſt I ſaid in Commendation of the Inſtrument, may be returned upon me thus: Are there ſuch good Things ſo well provided for, why can you not accept? Becauſe of ſuch an Ingredient. Nothing muſt make a Man's Conſcience his Servant; and really and ſincerely it is my Conſcience that guides me to this Anſwer; and, if the Parliament be reſolved, it will not be fit for me to uſe any Inducements by you to alter their Reſolution.

'I am

Inter-regnum, 1657. April.

'This is all I have to say; I hope it will, and desire it may, be candidly, and with Integrity and Ingenuity, represented by you to them.'

The PROTECTOR's SPEECH *to the Speaker of the Parliament*, April 8, 1657.

Mr. Speaker,

Another of *Cromwell*'s Speeches.

'NO Man can put a greater Value than I hope I do, and shall do, upon the Desires and Advices of the Parliament. I could in my own Heart aggravate both concerning the Persons advising, and concerning the Advice; readily acknowledging, that it is the Advice of the Parliament of these Three Nations: And if a Man could suppose it were not a Parliament to some, yet doubtless it should be to me, and to us all that are engaged in this Common Cause, wherein we have engaged. I say, surely it ought to be a Parliament to us, because it arises as a Result of those Issues and Determinations of Settlement that we have laboured to arrive at; and therefore I do most readily acknowledge the Authority of advising these Things. I can aggravate also to myself the general Notion of the Things advised to, as being Things that tend to the Settlement of the chiefest Things that can fall into the Hearts of Men to desire, or endeavour after; and at such a Time when, truly, I may think the Nation is big with Expectation of any Thing that may add to their Being: I therefore must needs put a very high Esteem, and have a very reverend Opinion of any Thing that comes from you, and so I have had of this Instrument; and I hope so I have expressed: And what I have expressed hath been, if I flatter not myself, from a very honest Heart toward the Parliament and the Public. I say not these Things to compliment you; for we are all past those Things, all Considerations of that Kind.

'We must all be very real now, if ever we will be so; for, howbeit, your Title and Name you give to this Paper makes me to think you intended Advice, and I should transgress against all Reason, should

should I make any other Construction than that you did intend Advice. I would not lay a Burden on my Beast, but I would consider his Strength to bear it; and if you will lay a Burden upon a Man that is conscious of his own Infirmity and Disabilities, and doth make some Measure of Counsels that may seem to come from Heaven, Counsels in the Word of God, who leaves Room for Charity, and for Men to consider their own Strength, I hope it will be no Evil in me to measure your Advice and my own Infirmities, and truly those will have some Influence upon Conscience; Conscience in him that receives Talents to know how he may answer the Trust of them; and such a Conscience have I had, and still have; and therefore, when I thought I had an Opportunity to make an Answer, I made that Answer; and am a Person, and have been before, and then, and since, lifting my Heart to God, to know what might be my Duty at such a Time as this, and upon such an Occasion and Trial as this was to me. Inter-regnum. 1657. April.

'Truly, Mr. Speaker, it hath been heretofore, I think, a Matter of Philosophical Discourse, that great Places, great Authority, are a great Burden. I know it is so; and I know a Man, that is convinced in his Conscience, nothing less will enable him to the Discharge of it than Assistance from above; that it may very well require in such a Subject, so convinced, and so persuaded, to be right with the Lord in such an Undertaking; and therefore, to speak very clearly and plainly to you, I had, and I have, my Hesitations to that individual Thing: If I undertake any thing not in Faith, I shall serve you in my own Unbelief, and I shall then be the most unprofitable Servant that ever People or Nation had. Give me Leave therefore to ask Counsel: I am ready to render a Reason of my Apprehensions, which haply may be over-swayed by better Apprehensions. I think so far I have deserved no Blame, nor do I take it that you will lay any upon me, only you mind me of the Duty that is incumbent upon me. Truly, the same Answer I have as to the Point of Duty one Way, the same Consideration have

Inter-regnum. 1657. April.

have I as to Duty another Way. I would not urge to you the Point of Liberty; ſurely you have provided for Liberty; I have borne my Witneſs to it, Civil and Spiritual. The greateſt Proviſion that ever was made, have you made; and I know that you do not intend to exclude me. The Liberty I aſk is to vent my own Doubts, and my own Fears, and my Scruples; though haply, in ſuch Caſes as theſe are, the World hath judged that a Man's Conſcience ought to know no Scruple; ſurely mine doth, and I dare not diſſemble; and therefore, they that are knowing in the Ground of their own Action, will be beſt able to meaſure Advice to others. There are many Things in this Government, beſides that one of the Name and Title, that deſerve much Information as to my Judgment; it is you that can capacitate me to receive Satisfaction in them, otherwiſe, I ſay truly, I muſt ſay that I am not perſuaded to the Performance of my Truſt and Duty, nor informed, and ſo not acted, as I know you intend I ſhould, and every Man in the Nation ſhould, and you have provided for them as a Freeman, as a Man that does poſſibly, rationally, and conſcientiouſly; and therefore I cannot tell what other Return to make to you than this; I am ready to give a Reaſon, if you will, I ſay, capacitate me to give it, and yourſelves to receive it, and to do in other Things that may inform me a little more particularly than this Vote that you have expreſſed Yeſterday, and has now been read by you to me. Truly, I hope, when I underſtand the Ground of theſe Things, the whole being neither for your Good nor mine, but for the Good of the Nation, there will be no doubt but we may, even in theſe Particulars, find out thoſe Things that may anſwer our Duty, mine and all our Duties, to thoſe whom we ſerve: And this is That that I do, with a great deal of Affection, and Honour, and Reſpect, offer now to you.'

In Vol. XXI. p. 383, *May* 10, 1659, there is some Notice taken of two Petitions being presented to that Rump, or Tail, of a Parliament then sitting, one said to be from the City of *London*, the other from *Southwark*. But it is to be understood here, that these Petitions came only from some Sectaries, Inhabitants of those Places, and not from the Body Corporate of the same. We suppose they got a gifted Brother or two, to present their canting Nonsense to the House; who, on the Delivery, delivered himself also of the following Speech, which we have met with and give in this Place, to shew the strange enthusiastic Madness of the Times, tho' so near the Restoration. [a]

Inter-regnum. 1659. May.

Mr. Speaker, and this Honourable Assembly,

'WE have here, at your Bar, an humble Petition from several Citizens of *London*. Sir, it is the very Joy of our Hearts, that once more we can see this Honourable Assembly sitting here, whom God hath owned and honoured, and made instrumental for so much Good to this poor Nation, and his People in it. Sir, we have had Experience, that the wise God rules and reigns in the World, and that the Government thereof is upon the Shoulders of our blessed Lord *Jesus Christ*; and that he doth raise up whom he pleaseth to do him Service; and that he hath been pleased to make you instrumental of much Good: And though, Sir, there hath been several dark Administrations of late Years, and some Interruption put upon you, yet he hath once more called you together. And truly we have just Cause and Ground to believe, that there will be that done by this Honourable Assembly, wherein he shall have the Glory, and his People Good by it. And truly, Sir, he hath been pleased to scatter those dark Clouds, that did eminently appear in this poor Nation, against that good Interest for which he did so eminently appear in your Councils. And, Sir, we hope, seeing that righteous God hath intrusted you

A Sectarian Address made to Parliament.

[a] From a Manuscript Journal of this Parliament.

Inter-regnum. 1659. May.

you once more, that you will make it your great Work, and great Buſineſs, to do that wherein you may have Glory, by the Eſtabliſhment and Settlement of theſe poor Nations, upon a righteous and juſt Foundation of Judgment and Juſtice.

'Truly, Sir, give us Leave to let you know, that we do look upon you as our Truſtees, our legal Truſtees; thoſe to whom the People of *England* have committed all that is dear and precious to them, their Liberties both as Men and Chriſtians. And, truly, we have juſt Cauſe to believe you will be very careful of both, that they may be preſerved, which are ſuch precious Things, and have coſt ſuch a precious Rate to purchaſe. Truly, Sir, I ſhall not ſay much; our Petition doth ſpeak our Minds and our Hearts fully: And though, Sir, to our Petition, which we lodge here before you, there are not Hands to it, we have many Hands, Thouſands more we could have had; but we know to whom we ſpeak; to thoſe that are our Friends, that have engaged in the ſame Cauſe with us; thoſe that have ſeen the Outgoings and Power of God with them. And truly, Sir, we do make it our great Requeſt, that you would conſider of our Petition, and lay ſuch a Foundation, in reference to our future Settlement and Government, that it may not be in the Power of Man or Men whatſoever to break thoſe righteous Baſes of Settlement you ſhall make. Truly, Sir, we ſhall deſire that you would really conſider that Diſpenſation that you have been under; and that, ſeeing God hath now put a Price and Opportunity into your Hands, you would not neglect that great Work you are called unto. We hope you will pardon us if we preſs it, becauſe we find by Experience, (when Opportunity is neglected) it is a great while before God will give ſuch Opportunities again. And truly, Sir, that may not be at ſuch a Time as this is, That, if ever God appeared, it is now; and, though there was Faith in many, that God would bring Deliverance, and that Deliverance would come, yet, that it ſhall come by your Hands again, this is That that bears up our Spirits: That

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it is the Mind of God, let me mind you of that Portion of Scripture of *Ezra*, when he delivered his People out of *Babylon*, *Seeing that thou haſt given us ſuch a Deliverance as this, ſhall we yet break thy Commandments?* Inter-regnum. 1659. May.

'We hope that is upon your Spirits, and that you will really ſet yourſelves to do That, that you may glad the Hearts of all *England*, and all the World.

'And truly, Sir, it is one Requeſt we make to you, That you would ſo ſettle the Government and the Foundation of theſe Nations, that it may not be too long truſted in any Man's Hands, that it may not be perpetuated to Men; for we have found it, by woeful Experience, that the beſt of Men, be they what they will, that if they have Power long in their Hands, they may too much exalt themſelves, and ſo forget that they ought to know what it is to obey, as well as to rule. Sir, we ſhall only beg this, That the wiſe God would fill this Honourable Aſſembly with his Spirit; that he would ſit in the Midſt of your Councils; that he would bow the Heavens, and appear; and give down that Wiſdom and Light from his good Spirit, that you may do That for which the Generations to come may call you Bleſſed; that we may look upon you as our *Moſes*, our *Joſhua*, our Conſellors (at the Beginning you were our Counſellors, at firſt you did eminently appear againſt Tyranny and Oppreſſion, and did lay a Foundation of common Intereſt; and tho' you were interrupted, yet you are come again together); that, as you have been Inſtruments to lay the Foundation, ſo you may lay the Top-ſtone, crying, Grace, Grace, unto it.'

In

Inter-regnum. 1659. Auguſt.

In the Year 1659, and in the Month of *Auguſt*, was an Inſurrection in *Cheſhire* and *Lancaſhire* under Sir *George Booth*, after the Reſtoration created Earl of *Warrington*. The Affair, with the ill Succeſs of it, is mentioned in our Twenty-firſt Volume, from p. 441 to 448. Since the Publication of which we have met with Sir *George Booth*'s Declaration, drawn up by way of Letter to a Friend, in which he gives his Reaſons for taking up Arms at that Time, and which was then printed and diſperſed over the Realm. The Reader may obſerve that this Declaration is drawn up in Terms modeſt enough, not a Word in it tending to the Royal Cauſe; but only declaring for the Admiſſion of the Members of the Long Parliament into this, or elſe for a new and a free Parliament. Tho' it muſt be owned that this Inſurrection was a Prelude to what followed ſoon after, and what, no doubt, the Inſurgents had at Heart, had they found themſelves ſtrong enough to effect it.

Sir GEORGE BOOTH's *Letter of the 2d of* Auguſt, 1659, *ſhewing the Reaſons of his preſent Engagement.*

SIR,

Sir *Geo. Booth*'s Declaration.

'I Think myſelf, and the Gentlemen, and others you know to be now engaged with me, have no Hopes (by new Troubles) to better our preſent Condition.

'With Thankfulneſs we may ſay it, God hath made our Lot larger than our Deſires in that Kind, and we ſuppoſe, by that Bleſſing, put an Obligation upon us, as we are conſiderable Members of our Country, to have more ſober and courageous Thoughts in Time of Extremity than other Men have.

'And tho' the Indifference that lies upon other Men's Spirits might flat ours, yet we cannot think, but if it were repreſented unto them, how the preſent Power doth oblige us to put out our Right Eyes when

[a] *London*, printed in the Year 1659. This Letter is ushered into public View with a ſham Anſwer to it, Paragraph by Paragraph.

when they require us to acknowledge them as a Parliament, and lay upon us ſuch heavy and grievous Burdens, and ſuch deceitful ones as a Year's Tax in three Months, beſides the many other Impoſitions of Exciſe, &c. and, by raiſing among us a Militia, they cut off our Right Hand by ſubjecting us under the meaneſt and fanatic Spirits of the Nation, under Pretence of Protection, their Spirits would be warmed into the ſame Zeal that ours are kindled with. Inter-regnum. 1659 Auguſt.

'Now, conſider what it is we aſk, and conſider whether it be not the ſame Thing we have aſſerted with our Lives and Fortunes, A free Parliament; and what a Slavery it is to our Underſtanding, that theſe Men, that now call themſelves a Parliament, ſhould declare it an Act of Illegality and Violence in the late aſpiring General *Cromwell*, to diſſolve their Body in 1653, and not to make it the like in the garbling the whole Body of the Parliament, from 400 to 40, in 1648; what is this but to act what they condemn in others? Why do they aſſociate themſelves to the preſent Army, or indeed to the preſent Commanders in Chief, and keep out their numerous and Fellow-Members, if committing Violence upon a Parliament be ſo notorious a Crime? And how do they teach the Soldiers boldly to do that which themſelves practiſe, and make them Inſtruments of? What is this but, under another Shape, to over-act the condemned Acts of Uſurpation and Tyranny in their old General? What is this but to neceſſitate Men to complain? And, upon Complaint, to be invaded by their Power, ſo to raiſe (if the *Engliſh* Spirits be not diſſolved into Baſeneſs and Aptitude for Slavery) a Civil War, and to endeavour to water their own Root with the Blood of many Thouſands of their Countrymen, or to gape after thoſe Confiſcations, which, by a Victory, upon Preſumption of the Unity of their Army, they hope to gain over all thoſe that dare, with Danger, aſſert their Liberties; which Preſumption yet may fail them; for the Soldier hath and may declare himſelf no Mercenary, but an *Engliſh* Freeman; which, indeed, tho' it be now contrary to his Actions, may return to his Thoughts again? And

Inter-regnum. 1659. August. what will be the Iſſue of all this? A mean and ſchiſmatical Party muſt depreſs the Nobility and underſtanding Commons; the Land muſt waſte itſelf, and Foreigners, or others, muſt take the Advantage of all.

'I dare ſay, I profeſs for myſelf and the greateſt Part with me, we have no Aſpect but this ſingly; that we be not poſſeſſed as waſte Ground is, only by the Title of Occupancy, or that the next that gets into the Saddle ride us.

'Let the Nation freely chuſe their Repreſentatives, and they as freely ſit, without Awe or Force of Soldiery; and whatever in ſuch an Aſſembly is determined, ſhall be by us freely and chearfully ſubmitted unto.

'If this ſatisfy you, I am glad of it, for you are my noble Friend. I uſe it not as an Artifice, either to engage you or make other Counties follow our Example; which, if they do not, let their Poſterity judge of their Actions and ours; for we are born for our Country, and our Country, our Religion, and our Lives are in Danger, and we will not be unconcerned.

'But we are faithful and peaceful in the Land; and if they in Authority will decline Hoſtility, and agree of a Means to admit the old Members of both Houſes, or to call a new free Parliament, let him be, and he only is truly, a Traitor that reſolves not his Judgment and Obedience into their Determinations. I am, Sir,

Your humble Servant,

Cheſter, Auguſt 2, 1659. GEORGE BOOTH.'

In

In this Volume, at p. 4, the hearty Thanks was moved for, of the Houſe of Commons, to be returned to the King for his gracious Declaration about Church Government; and accordingly the whole Houſe waited upon his Majeſty at *Whitehall* that Afternoon, which was *November* 6, 1660, the very firſt Day of their Meeting after the Receſs. We never could find, by any Memorial, what the Speaker ſaid to the King on that Occaſion; but the Declaration itſelf was then in our Hands, though it would have interrupted the Series of this Hiſtory too much to have inſerted it in that Place. We therefore give it here, as a Curioſity not eaſy to be met with elſewhere. An. 12. Car. II. 1660. November.

His MAJESTY's DECLARATION *to all his loving Subjects of his Kingdom of* England *and Dominion of* Wales, *concerning* Eccleſiaſtical Affairs. [b]

CHARLES *R.*

'HOW much the Peace of the State is concerned in the Peace of the Church, and how difficult a Thing it is to preſerve Order and Government in Civil, whilſt there is no Order or Government in Eccleſiaſtical Affairs, is evident to the World; and this little Part of the World, our own Dominions, hath had ſo late Experience of it, that we may very well acquieſce in the Concluſion, without enlarging ourſelf in Diſcourſe upon it, it being a Subject we have had frequent Occaſion to contemplate upon, and to lament abroad, as well as at home. The King's Declaration, &c.

'In our Letter to the Speaker of the Houſe of Commons from *Breda*, we declared how much we deſired the Advancement and Propagation of the Proteſtant Religion: That neither the Unkindneſs of thoſe of the ſame Faith towards us, nor the Civilities and Obligations from thoſe of a contrary Profeſſion (of both which we have had abundant Evidence) could, in the leaſt Degree, ſtartle us, or make us ſwerve from it; and that nothing can be propoſed

[b] *London*, printed by *John Bill*, Printer to the King's Moſt Excellent Majeſty, 1660.

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to manifeſt our Zeal and Affection for it, to which we will not readily conſent: And we ſaid then, That we did hope, in due Time, ourſelf to propoſe ſomewhat for the Propagation of it, that will ſatisfy the World, that we have always made it both our Care and our Study, and have enough obſerved what is moſt like to bring Diſadvantage to it. And, the Truth is, we do think ourſelf the more competent to propoſe, and, with God's Aſſiſtance, to determine, many Things now in Difference, from the Time we have ſpent, and the Experience we have had, in moſt of the Reformed Churches abroad, in *France*, in the *Low Countries*, and in *Germany*; where we have had frequent Conferences with the moſt learned Men, who have unanimouſly lamented the great Reproach the Proteſtant Religion undergoes from the Diſtempers and too notorious Schiſms in Matters of Religion in *England*: And as the moſt learned amongſt them have always, with great Submiſſion and Reverence, acknowledged and magnified the eſtabliſhed Government of the Church of *England*, and the great Countenance and Shelter the Proteſtant Religion received from it, before theſe unhappy Times; ſo many of them have, with great Ingenuity and Sorrow, confeſſed, that they were too eaſily miſled, by Miſinformation and Prejudice, into ſome Diſeſteem of it, as if it had too much complied with the Church of *Rome*; whereas, they now acknowledge it to be the beſt Fence God hath yet raiſed againſt Popery in the World: And we are perſuaded they do, with great Zeal, wiſh it reſtored to its old Dignity and Veneration.

'When we were in *Holland*, we were attended by many grave and learned Miniſters from hence, who were looked upon as the moſt able and principal Aſſertors of the Preſbyterian Opinions, with whom we had as much Conference, as the Multitude of Affairs, which were then upon us, would permit us to have; and, to our great Satisfaction and Comfort, found them Perſons full of Affection to us, of Zeal for the Peace of the Church and State, and neither Enemies (as they have been given out to be)

to

to Epiſcopacy or Liturgy; but modeſtly to deſire ſuch Alterations in either, as, without ſhaking Foundations, might beſt allay the preſent Diſtempers, which the Indiſpoſition of the Time, and the Tenderneſs of ſome Men's Conſciences, had contracted: For the better doing whereof, we did intend, upon our firſt Arrival in this Kingdom, to call a Synod of Divines, as the moſt proper Expedient to provide a proper Remedy for all thoſe Differences and Diſſatisfactions which had, or ſhould ariſe in Matters of Religion; and, in the mean Time, we publiſhed, in our Declaration from *Breda*, a Liberty to tender Conſciences; and that no Man ſhould be diſquieted or called in Queſtion for Differences of Opinion in Matter of Religion, which do not diſturb the Peace of the Kingdom; and that we ſhall be ready to conſent to ſuch an Act of Parliament as, upon mature Deliberation, ſhall be offered to us for the full granting of that Indulgence. An. 12. Car. II. 1660. November.

'Whilſt we continued in this Temper of Mind and Reſolution, and have ſo far complied with the Perſuaſion of particular Perſons, and the Diſtemper of the Times, as to be contented with the Exerciſe of our Religion in our own Chapel, according to the conſtant Practice and Laws eſtabliſhed, without enjoining that Practice, and the Obſervation of thoſe Laws, in the Churches of the Kingdom, in which we have undergone the Cenſure of many, as if we were without that Zeal for the Church which we ought to have, and which, by God's Grace, we ſhall always retain, we have found ourſelf not ſo candidly dealt with as we have deſerved, and that there are unquiet and reſtleſs Spirits; who, without abating any of their own Diſtemper, in Recompence of the Moderation they find in us, continue their Bitterneſs againſt the Church, and endeavour to raiſe Jealouſies of us, and to leſſen our Reputation by their Reproaches, as if we were not true to the Profeſſions we have made. And, in order thereunto, they have very unſeaſonably cauſed to be printed, publiſhed, and diſperſed throughout the

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Kingdom, a Declaration heretofore printed in our Name, during the Time of our being in *Scotland*, of which we ſhall ſay no more than that the Circumſtances, by which we were enforced to ſign that Declaration, are enough known to the World; and that the worthieſt and greateſt Part of that Nation did even then deteſt and abhor the ill Uſage of us in that Particular, when the ſame Tyranny was exerciſed there by the Power of a few ill Men, which, at that Time, had ſpread itſelf over this Kingdom; and therefore we had no Reaſon to expect that we ſhould, at this Seaſon, when we are doing all we can to wipe out the Memory of all that hath been done amiſs by other Men, and, we thank God, have wiped it out of our own Remembrance, have been ourſelf aſſaulted with thoſe Reproaches, which we will likewiſe forget.

'Since the printing this Declaration, ſeveral ſeditious Pamphlets and Queries have been publiſhed and ſcattered abroad, to infuſe Diſlike and Jealouſies into the Hearts of the People, and of the Army; and ſome, who ought rather to have repented the former Miſchief they have wrought, than to have endeavoured to improve it, have had the Hardineſs to publiſh, That the Doctrine of the Church, againſt which no Man with whom we have conferred hath excepted, ought to be reformed as well as the Diſcipline.

'This over-paſſionate and turbulent Way of proceeding, and the Impatience we find in many for ſome ſpeedy Determination in theſe Matters, whereby the Minds of Men may be compoſed, and the Peace of the Church eſtabliſhed, hath prevailed with us to invert the Method we had propoſed to ourſelf, and even, in order to the better calling and compoſing of a Synod (which the preſent Jealouſies will hardly agree upon) by the Aſſiſtance of God's bleſſed Spirit, which we daily invoke and ſupplicate, to give ſome Determination ourſelf to the Matters in Difference, untill ſuch a Synod may be called as may, without Paſſion or Prejudice, give us ſuch farther Aſſiſtance towards a perfect Union of Affections, as well as Submiſſion to Authority, as is neceſſary:

And

And we are the rather induced to take this upon us, by finding, upon the full Conference we have had with the learned Men of ſeveral Perſuaſions, that the Miſchiefs, under which both the Church and State do at preſent ſuffer, do not reſult from any formed Doctrine or Concluſion which either Party maintains or avows; but from the Paſſion, Appetite, and Intereſt of particular Perſons, who contract greater Prejudice to each other from thoſe Affections, than would naturally riſe from their Opinions; and thoſe Diſtempers muſt be in ſome Degree allayed, before the meeting in a Synod can be attended with better Succeſs than their meeting in other Places, and their Diſcourſes in Pulpits have hitherto been; and till all Thoughts of Victory are laid aſide, the humble and neceſſary Thoughts for the Vindication of Truth cannot be enough entertained. An. 12. Car. II 1660. November.

'We muſt, for the Honour of all thoſe of either Perſuaſion with whom we have conferred, declare, That the Profeſſions and Deſires of all, for the Advancement of Piety and true Godlineſs, are the ſame; their Profeſſions of Zeal for the Peace of the Church, the ſame; of Affection and Duty to us, the ſame: They all approve Epiſcopacy; they all approve a ſet Form of Liturgy; and they all diſapprove and diſlike the Sin of Sacrilege, and the Alienation of the Revenue of the Church. And if upon theſe excellent Foundations, in Submiſſion to which there is ſuch a Harmony of Affections, any Superſtructures ſhould be raiſed, to the ſhaking thoſe Foundations, and to the contracting and leſſening the bleſſed Gift of Charity, which is a vital Part of Chriſtian Religion, we ſhall think ourſelf very unfortunate, and even ſuſpect that we are defective in that Adminiſtration of Government with which God hath entruſted us.

'We need not profeſs the high Affection and Eſteem we have for the Church of *England*, as it is eſtabliſhed by Law, the Reverence to which hath ſupported us, with God's Bleſſing, againſt many Temptations; nor do we think that Reverence in the leaſt Degree diminiſhed by our Condeſcentions, not peremptorily

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remptorily to insist on some Particulars of Ceremony; which, however introduced by the Piety, Devotion, and Order of former Times, may not be so agreeable to the present; but may even lessen that Piety and Devotion, for the Improvement whereof they might haply be first introduced, and consequently may well be dispensed with: And we hope this charitable Compliance of ours will dispose the Minds of all Men to a chearful Submission to that Authority, the Preservation whereof is so necessary for the Unity and Peace of the Church, and that they will acknowledge the Support of the Episcopal Authority to be the best Support of Religion, by being the best Means to contain the Minds of Men within the Rules of Government. And they who would restrain the Exercise of that holy Function within the Rules which were observed in the primitive Times, must remember and consider, that the Ecclesiastical Power, being in those blessed Times always subordinate and subject to the Civil, it was likewise proportioned to such an Extent of Jurisdiction as was most agreeable to that. And as the Sanctity, Simplicity, and Resignation of that Age, did then refer many Things to the Bishops, which the Policy of succeeding Ages would not admit, at least did otherwise provide for; so it can be no Reproach to primitive Episcopacy, if, where there have been great Alterations in the Civil Government from what was then, there have been likewise some Difference and Alteration in the Ecclesiastical, the Essence and Foundation being still preserved. And upon this Ground, without taking upon us to censure the Government of the Church in other Countries, where the Government of the State is different from what it is here, or enlarging ourself upon the Reasons why, whilst there was an Imagination of erecting a Democratical Government here in the State, they should be willing to continue an Aristocratical Government in the Church; it shall suffice to say, that since, by the wonderful Blessing of God, the Hearts of this whole Nation are returned to an Obedience to Monarchical Government in the State,

State, it must be very reasonable to support that Government in the Church which is established by Law, and with which the Monarchy hath flourished through so many Ages, and which is in Truth as antient in this Island as the Christian Monarchy thereof; and which hath always, in some Respects or Degrees, been enlarged or restrained, as hath been thought most conducing to the Peace and Happiness of the Kingdom: And therefore we have not the least Doubt but that the present Bishops will think the present Concessions, now made by us to allay the present Distempers, very just and reasonable, and will very chearfully conform themselves thereunto.

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1. 'We do in the first Place declare our Purpose and Resolution is, and shall be, to promote the Power of Godliness, to encourage the Exercises of Religion both public and private, and to take Care that the Lord's Day be applied to holy Exercises, without unnecessary Divertisements; and that insufficient, negligent, and scandalous Ministers, be not permitted in the Church. And that as the present Bishops are known to be Men of great and exemplary Piety in their Lives, which they have manifested in their notorious and unexampled Sufferings during these late Distempers, and of great and known Sufficiency of Learning; so we shall take special Care, by the Assistance of God, to prefer no Men to that Office and Charge, but Men of Learning, Virtue, and Piety, who may be themselves the best Examples to those who are to be governed by them; and we shall expect, and provide the best we can, that the Bishops be frequent Preachers, and that they do very often preach themselves in some Church of their Diocese, except they be hindered by Sickness or other bodily Infirmities, or some other justifiable Occasion; which shall not be thought justifiable if it be frequent.

2. 'Because the Dioceses, especially some of them, are thought to be of too large Extent, we will appoint such a Number of Suffragan Bishops in every

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every Dioceſe, as ſhall be ſufficient for the due Performance of their Work.

3. 'No Biſhop ſhall ordain, or exerciſe any Part of Juriſdiction, which appertains to the Cenſures of the Church, without the Advice and Aſſiſtance of the Preſbyters; and no Chancellor, Commiſſary, or Official, as ſuch, ſhall exerciſe any Act of Spiritual Juriſdiction in theſe Caſes, *viz.* Excommunication, Abſolution, or wherein any of the Miniſtry are concerned, with reference to their paſtoral Charge. However, our Intent and Meaning is, to uphold and maintain the Profeſſion of the Civil Law, ſo far, and in ſuch Matters, as it hath been of Uſe and Practice within our Kingdoms and Dominions: Albeit, as to Excommunication, our Will and Pleaſure is, That no Chancellor, Commiſſary, or Official, ſhall decree any Sentence of Excommunication or Abſolution, or be Judges in thoſe Things wherein any of the Miniſtry are concerned, as is aforeſaid. Nor ſhall the Archdeacon exerciſe any Juriſdiction without the Advice and Aſſiſtance of ſix Miniſters of his Archdeaconry, whereof three to be nominated by the Biſhop, and three by the Election of the major Part of the Preſbyters within the Archdeaconry.

4. 'To the End that the Deans and Chapters may be the better fitted to afford Counſel and Aſſiſtance to the Biſhops, both in Ordination and the other Offices mentioned before, we will take Care that thoſe Preferments be given to the moſt learned and pious Preſbyters of the Dioceſe; and moreover, that an equal Number (to thoſe of the Chapter) of the moſt learned, pious, and diſcreet Preſbyters of the ſame Dioceſe, annually choſen by the major Vote of all the Preſbyters of that Dioceſe preſent at ſuch Elections, ſhall be always adviſing and aſſiſting, together with thoſe of the Chapter, in all Ordinations, and in every Part of Juriſdiction which appertains to the Cenſures of the Church, and at all other ſolemn and important Actions, in the Exerciſe of the Eccleſiaſtical Juriſdiction, wherein any of the Miniſtry are concerned: Provided, That at all ſuch Meetings, the Number of the Miniſters ſo elected, and thoſe preſent

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of the Chapter, ſhall be equal, and not exceed one the other; and that, to make the Number equal, the Juniors of the exceeding Numbers be withdrawn, that the moſt antient may take Place. Nor ſhall any Suffragan Biſhop ordain, or exerciſe the forementioned Offices and Acts of Spiritual Juriſdiction, but with the Advice and Aſſiſtance of a ſufficient Number of the moſt judicious and pious Preſbyters, annually choſen as aforeſaid, within his Precincts. And our Will is, That the great Work of Ordination be conſtantly and ſolemnly performed by the Biſhop and his aforeſaid Preſbytery, at the four ſet Times and Seaſons appointed by the Church for that Purpoſe.

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5. 'We will take Care that Confirmation be rightly and ſolemnly performed, by the Information, and with the Conſent, of the Miniſter of the Place, who ſhall admit none to the Lord's Supper, till they have made a credible Profeſſion of their Faith, and promiſed Obedience to the Will of God, according as is expreſſed in the Conſiderations of the Rubrick before the Catechiſm; and that all poſſible Diligence be uſed for the Inſtruction and Reformation of ſcandalous Offenders, whom the Miniſter ſhall not ſuffer to partake of the Lord's Table, untill they have openly declared themſelves to have truly repented, and amended their former naughty Lives, as is partly expreſſed in the Rubrick, and more fully in the Canons; provided there be Place for due Appeals to ſuperior Powers. But beſides the Suffragans and their Preſbytery, every Rural Dean, (thoſe Deans, as heretofore, to be nominated by the Biſhop of the Dioceſe) together with three or four Miniſters of that Deanry, choſen by the major Part of all the Miniſters within the ſame, ſhall meet once in every Month, to receive ſuch Complaints as ſhall be preſented to them by the Miniſters or Churchwardens of the reſpective Pariſhes; and alſo to compoſe all ſuch Differences betwixt Party and Party, as ſhall be referred unto them by Way of Arbitration; and to convince Offenders, and reform all ſuch Things as they find amiſs, by their Paſtoral Reproofs and Admonitions,

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monitions, if they may be ſo reformed. And ſuch Matters as they cannot, by this paſtoral and perſuaſive Way, compoſe and reform, are by them to be prepared for, and preſented to, the Biſhop; at which Meeting any other Miniſters of that Deanry may, if they pleaſe, be preſent and aſſiſt. Moreover, the Rural Dean and his Aſſiſtants are, in their reſpective Diviſions, to ſee that the Children and younger Sort be carefully inſtructed by the reſpective Miniſters of every Pariſh, in the Grounds of Chriſtian Religion, and be able to give a good Account of their Faith and Knowledge, and alſo of their Chriſtian Converſation conformable thereunto, before they be confirmed by the Biſhop, or admitted to the Sacrament of the Lord's Supper.

6. 'No Biſhop ſhall exerciſe any arbitrary Power, or do or impoſe any thing upon the Clergy or the People, but what is according to the known Law of the Land.

7. 'We are very glad to find, that all with whom we have conferred, do, in their Judgments, approve a Liturgy, or ſet Form of public Worſhip, to be lawful; which, in our Judgment, for the Preſervation of Unity and Uniformity, we conceive to be very neceſſary. And tho' we do eſteem the Liturgy of the Church of *England*, contained in the Book of Common Prayer, and by Law eſtabliſhed, to be the beſt we have ſeen, (and we believe that we have ſeen all that are extant and uſed in this Part of the World) and well know what Reverence moſt of the Reformed Churches, or at leaſt the moſt learned Men in thoſe Churches, have for it; yet, ſince we find ſome Exceptions made againſt ſeveral Things therein, we will appoint an equal Number of learned Divines, of both Perſuaſions, to review the ſame, and to make ſuch Alterations as ſhall be thought moſt neceſſary, and ſome additional Forms (in the Scripture Phraſe as near as may be) ſuited unto the Nature of the ſeveral Parts of Worſhip; and that it be left to the Miniſter's Choice to uſe one or other at his Diſcretion. In the mean Time, and till this be done, altho' we do heartily wiſh and deſire that the

Miniſters,

Miniſters, in their ſeveral Churches, becauſe they diſlike ſome Clauſes and Expreſſions, would not totally lay aſide the Uſe of the Book of Common Prayer; but read thoſe Parts againſt which there can be no Exception, which would be the beſt Inſtance of declining thoſe Marks of Diſtinction, which we ſo much labour and deſire to remove; yet, in Compaſſion to divers of our good Subjects, who ſcruple the Uſe of it as now it is, our Will and Pleaſure is, that none be puniſhed or troubled for not uſing it, untill it be reviewed and effectually reformed as aforeſaid. An. 12. Car. II. 1660. November.

8. 'Laſtly, concerning Ceremonies (which have adminiſtred ſo much Matter of Difference and Contention, and which have been introduced by the Wiſdom and Authority of the Church, for Edification and the Improvement of Piety); we ſhall ſay no more, but that we have the more Eſteem of all, and Reverence for many of them, by having been preſent in many of thoſe Churches where they are moſt aboliſhed or diſcountenanced: And it cannot be doubted but that, as the Univerſal Church cannot introduce one Ceremony in the Worſhip of God, that is contrary to God's Word expreſſed in the Scripture, ſo every National Church, with the Approbation and Conſent of the Sovereign Power, may, and hath always introduced ſuch particular Ceremonies, as, in that Conjuncture of Time, are thought moſt proper for Edification, and the neceſſary Improvement of Piety and Devotion in the People, tho' the neceſſary Practice thereof cannot be deduced from Scripture: And that which before was, and in itſelf is, indifferent, ceaſes to be indifferent after it is once eſtabliſhed by Law; and therefore our preſent Conſideration and Work is, to gratify the private Conſciences of thoſe who are grieved with the Uſe of ſome Ceremonies, by indulging to, and diſpenſing with their omitting thoſe Ceremonies, not utterly to aboliſh any which are eſtabliſhed by Law, (if any are practiſed contrary to Law, the ſame ſhall ceaſe) which would be unjuſt and of ill Example, and to impoſe upon the Conſciences of

Some

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ſome, for the Satisfaction of the Conſciences of others, which is otherwiſe provided for. As it could not be reaſonable that Men ſhould expect that we ſhould ourſelf decline, or enjoin others to do ſo, to receive the bleſſed Sacrament upon our Knees, which, in our Conſcience, is the moſt humble, moſt devout, and moſt agreeable Poſture for that holy Duty, becauſe ſome other Men, upon Reaſons beſt, if not only, known to themſelves, chuſe rather to do it ſitting or ſtanding. We ſhall leave all Deciſions and Determinations of that Kind, if they ſhall be thought neceſſary for a perfect and entire Unity and Uniformity throughout the Nation, to the Advice of a National Synod, which ſhall be duly called, after a little Time and a mutual Converſation between Perſons of different Perſuaſions hath mollified thoſe Diſtempers, abated thoſe Sharpneſſes, and extinguiſhed thoſe Jealouſies which make Men unfit for thoſe Conſultations. And upon ſuch Advice we ſhall uſe our beſt Endeavour that ſuch Laws may be eſtabliſhed, as may beſt provide for the Peace of the Church and State. Provided, That none ſhall be denied the Sacrament of the Lord's Supper, though they do not uſe the Geſture of Kneeling in the Act of Receiving.

'In the mean Time, out of Compaſſion and Compliance towards thoſe who would forbear the Croſs in Baptiſm, we are content that no Man ſhall be compelled to uſe the ſame, or ſuffer for not doing it: But if any Parent deſires to have his Child chriſtened according to the Form uſed, and the Miniſter will not uſe the Sign, it ſhall be lawful for that Parent to procure another Miniſter to do it; and if the proper Miniſter ſhall refuſe to omit that Ceremony of the Croſs, it ſhall be lawful for the Parent, who would not have his Child ſo baptized, to procure another Miniſter to do it, who will do it according to his Deſire.

'No Man ſhall be compelled to bow at the Name of *Jeſus*, or ſuffer in any Degree for not doing it, without reproaching thoſe who, out of their Devotion, continue that antient Ceremony of the Church.

'For

'For the Uſe of the Surplice; we are contented that all Men be left to their Liberty to do as they ſhall think fit, without ſuffering in the leaſt Degree for wearing or not wearing it. Provided, That this Liberty does not extend to our own Chapel, Cathedral, or Collegiate Churches, or to any College in either of our Univerſities; but that the ſeveral Statutes and Cuſtoms for the Uſe thereof in the ſaid Places, be there obſerved as formerly. An. 12. Car. II. 1660. November.

'And becauſe ſome Men, otherwiſe pious and learned, ſay they cannot conform unto the Subſcription required by the Canon, nor take the Oath of Canonical Obedience, we are content, and it is our Will and Pleaſure, (ſo they take the Oaths of Allegiance and Supremacy) that they ſhall receive Ordination, Inſtitution, and Induction, and ſhall be permitted to exerciſe their Function, and to enjoy the Profits of their Livings, without the ſaid Subſcription or Oath of Canonical Obedience. And moreover, That no Perſons in the Univerſities ſhall, for the Want of ſuch Subſcription, be hindered in the taking of their Degrees. Laſtly, That none be judged to forfeit his Preſentation or Benefice, or be deprived of it, upon the Statute of the 13th of Queen *Elizabeth*, Chap. 12. ſo he read and declare his Aſſent to all the Articles of Religion, which only concern the Confeſſion of the true Chriſtian Faith, and the Doctrine of the Sacraments, compriſed in the Book of Articles, in the ſaid Statute mentioned. In a Word; we do again renew what we have formerly ſaid in our Declaration from *Breda*, for the Liberty of tender Conſciences, That no Man ſhall be diſquieted or called in Queſtion for Differences of Opinion in Matters of Religion, which do not diſturb the Peace of the Kingdom; and if any have been diſturbed in that Kind ſince our Arrival here, it hath not proceeded from any Direction of ours.

'To conclude, and in this Place to explain what we mentioned before, and ſaid in our Letter to the Houſe of Commons from *Breda*, That we hoped, in due Time, ourſelf to propoſe ſomewhat for the Propagation of the Proteſtant Religion, that will ſatisfy the

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the World that we have always made it both our Care and our Study, and have enough obſerved what is moſt like to bring Diſadvantage to it: We do conjure all our loving Subjects to acquieſe in, and ſubmit to, this our Declaration, concerning thoſe Differences which have ſo much diſquieted the Nation at home, and given ſuch Offence to the Proteſtant Churches abroad, and brought ſuch Reproach upon the Proteſtant Religion in general, from the Enemies thereof, as if, upon obſcure Notions of Faith and Fancy, it did admit the Practice of Chriſtian Duties and Obedience to be diſcountenanced and ſuſpended, and introduce a Licence in Opinions and Manners, to the Prejudice of the Chriſtian Faith. And let us all endeavour, and emulate each other in thoſe Endeavours, to countenance and advance the Proteſtant Religion abroad, which will be beſt done by ſupporting the Dignity and Reverence due to the beſt Reformed Proteſtant Church at home; and which, being once freed from the Calumnies and Reproaches it hath undergone from theſe late ill Times, will be the beſt Shelter for thoſe abroad, which will, by that Countenance, both be the better protected againſt their Enemies, and be the more eaſily induced to compoſe the Differences amongſt themſelves, which give their Enemies more Advantage againſt them. And we hope and expect, that all Men will henceforward forbear to vent any ſuch Doctrine in the Pulpit, or to endeavour to work in ſuch Manner upon the Affections of the People, as may diſpoſe them to an ill Opinion of us and the Government, and to diſturb the Peace of the Kingdom; which if all Men will, in their ſeveral Vocations, endeavour to preſerve with the ſame Affection and Zeal we ourſelf will do, all our good Subjects will, by God's Bleſſing upon us, enjoy as great a Meaſure of Felicity, as this Nation hath ever done, and which we ſhall conſtantly labour to procure for them, as the greateſt Bleſſing God can beſtow upon us in this World.

Given at our Court at Whitehall, *this 25th Day of* October, 1660.

In this Volume alſo, at p. 12, *Nov.* 13, 1660, Notice is taken of a Complaint being made in the Houſe of Commons againſt a Book called, *The Long Parliament revived*, &c. then printed for, and publiſhed by, one *Thomas Phillips*, Gent. *Nov.* 17, at p. 16, Secretary *Morrice* acquainted the Houſe, That he had found out the real Author to be one *William Drake*, a Merchant in *London*, who had confeſſed the ſame to him. The Debates about it, and Proceedings thereupon, may be ſeen in the Hiſtory; but the Pamphlet itſelf, being purely Parliamentary, and not to be met with but in ſome old Collections, is too curious to be omitted in this Appendix.

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The LONG PARLIAMENT REVIVED; *or an* ACT *for* CONTINUATION, *and the not* DISSOLVING *the* LONG PARLIAMENT, *(called by King* Charles *the Firſt, in the Year* 1640*) but by an Act of Parliament; with undeniable Reaſons deduced from the ſaid Act, to prove that That Parliament is not yet diſſolved. Alſo Mr.* William Prynne's *five Arguments fully anſwered, whereby he endeavours to prove it to be diſſolved by the King's Death*, &c. *By* Thomas Phillips, *Gentleman, a ſincere Lover of his King and Country.* [1]

Anno 17. *Caroli Regis.*

An ACT to prevent Inconveniences which may happen by the untimely adjourning, proroguing, or diſſolving of this preſent Parliament.

WHereas great Sums of Money muſt of Neceſſity be ſpeedily advanced and provided for Relief of his Majeſty's Army and People in the Northern Parts of this Realm, and for preventing the imminent Danger this Kingdom is in, and for Supply of other his Majeſty's preſent and urgent Occaſions, which cannot be ſo timely effected as is requiſite, without Credit for raiſing the ſaid Monies; which Credit cannot be obtained untill ſuch Obſtacles be firſt removed as are occaſioned by Fears, Jealouſies, and Apprehenſions of

 divers

[1] *London*, printed for the Author, and are to be ſold at the C... and Lion in St. *Paul's* Church Yard, 1661.

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divers his Majeſty's loyal Subjects, that this preſent Parliament may be adjourned, prorogued, or diſſolved, before Juſtice ſhall be duly executed upon Delinquents, public Grievances redreſſed, a firm Peace between the two Nations of England *and* Scotland *concluded, and before ſufficient Proviſion be made for the Repayment of the ſaid Monies ſo to be raiſed: All which the Commons, in this preſent Parliament aſſembled, having duly conſidered, do therefore humbly beſeech your Moſt Excellent Majeſty that it may be Declared and Enacted.*

And be it Declared and Enacted, by the King our Sovereign Lord, with the Aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That this preſent Parliament, now aſſembled, ſhall not be diſſolved, unleſs it be by Act of Parliament to be paſſed for that Purpoſe. Nor ſhall it be, at any Time or Times, during the Continuance thereof, prorogued or adjourned, unleſs it be by Act of Parliament to be likewiſe paſſed for that Purpoſe. And that the Houſe of Peers ſhall not, at any Time or Times, during this preſent Parliament, be adjourned, unleſs it be by themſelves, or by their own Order. And in like Manner, that the Houſe of Commons ſhall not, at any Time or Times, during this preſent Parliament, be adjourned, unleſs it be by themſelves, or by their own Order. And that all, and every Thing and Things whatſoever done, or to be done, for the Adjournment, Proroguing, or Diſſolving of this preſent Parliament, contrary to this Act, ſhall be utterly void and of none Effect.

The LONG PARLIAMENT REVIVED.

Mr. *Drake*'s Pamphlet on the Long Parliament.

'TO the End the Peace of this Nation may be eſtabliſhed upon a firm and laſting Foundation, and that, after one Shipwreck hardly eſcaped, we run not blindfold again upon a more fatal and irrecoverable Rock of Confuſion, the Author of this ſmall Paper, out of tender Compaſſion to his native Country, and with all humble Reſpects of due Allegiance and Honour to his Royal Majeſty that now is, hath thought fit (with the premiſed Act of Parliament) to offer ſome few Arguments to the World, naturally

rally flowing from the Authority and Reaſon of it; which, if timouſly hearkened to, may yet prove a healing Remedy againſt the ſad Breaches of this ſhattered Kingdom, and prevent thoſe other Miſchiefs, which the Obſtinacy of injudicious and ſelf-willed Perſons will inevitably bring upon themſelves and us. And if convincing Reaſon may bear the Sway in this perverſe Age, wherein every Man would make his petty private Deſigns to be his Law rather than common Equity, or the eſtabliſhed Law of the Nation, he doubts not of the deſired Succeſs he aims at, with God's Bleſſing, in this enſuing Diſcourſe. An. 12. Car. II. 1660. November.

'That the Safety and Happineſs of this Kingdom lies in Parliaments rightly conſtituted, and in the Preſervation of their juſt and lawful Privileges, I ſuppoſe there are none, of what different Judgments ſoever in other Things, who are Subjects of this Nation, and of ſober Principles, but will readily grant it; and if ſo, the contrary thereunto will then without Doubt as eaſily be concluded.

'Which Maxim being yielded, in reference to other Parliaments, it muſt, by Proportion, hold as true in relation to the Long Parliament called by the late King *Charles* the Firſt, of bleſſed Memory, in the Year 1640; whoſe Being and legal Authority is ſtill ſo viſibly exiſtent, by virtue of the fore-mentioned Act, that when the Subjects of this Nation have ſeriouſly conſidered of it, they will doubtleſs ſee they have no Reaſon to hold themſelves ſafe in their Lives, Liberties, and Eſtates, till it have made Proviſion in that Behalf, and it be legally diſſolved, according to the Tenor of the ſaid Act, by Act of Parliament for that Purpoſe.

'And, therefore, ſeeing that ſo great a Diſſecurity to the Subjects and the Peace of the Kingdom is incumbent hereupon, as who doth not evidently perceive it, (in caſe that Parliament is yet in its legal Force and Being) how much doth it concern every Subject of this Nation to be groundedly ſatisfied in this Particular, by a ſolid anſwering of thoſe Objections that ſeem to militate againſt the Verity of this

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Assertion, That Men's Minds may be settled, together with the Peace of the Nation, upon a sure Foundation of Law and Righteousness; and we may not, like the Waves of the Sea, be still fluctuating to and fro in Doubts and Uncertainties, by the divers Winds of Men's contrary Judgments and Opinions, to the continual Hazard of our dearest Concernments?

'To evidence the still legal Being of that foresaid Parliament, the Act speaks sufficiently for itself, in plain and express Terms; yet, to make it more clear, these following Arguments, from the Act itself, and the Title of it, do more apparently evince it.

1. 'To begin with the Title, which is, *An Act to prevent Inconveniences that may happen by the untimely adjourning, proroguing, or dissolving of this present Parliament*; which Inconveniences are specified in the following Preamble of the said Act, whereof chiefly one is this: *Left Credit should not be obtained for raising of Monies for Relief of his Majesty's Army, and People in the North, and for Supply of other his Majesty's present and urgent Occasions, through the continued Fears of the Subjects left the Parliament may be adjourned, prorogued, or dissolved, before sufficient Provision be made for Repayment of the said Monies to be raised.*

'In which Words there are two Things principally to be considered in reference to the Intent and Meaning of this Act, why it was made.

'*First*, For the obtaining of Credit, in order to the raising of considerable Sums of Money for Supply of the King's and Kingdom's great Necessities, which could never have been done, (as by the Act itself is supposed) had not this Act been made; it being the only Ground and Foundation of Encouragement for the Credit which was to be given, in order to the raising of the said Monies, and did accordingly effect it.

'*Secondly*, The Parliament could not, without this, be in any secure Condition to make Provision for the Repayment of the said Money so to be raised, in regard that, thro' Defect of such an Act, the Parliament

ment might be in continual Danger to be untimely diſſolved; and, by the clear Scope of the Act, it is accounted an untimely Diſſolution, if diſſolved before the ſaid Proviſion be made; therefore the Diſſolution of the ſaid Parliament, before ſuch Proviſion made for Repayment of the ſaid Monies, which is not yet done, is expreſly contrary to the true Meaning and Intention of this Act. And if this Act were made purpoſely to prevent the untimely Diſſolution of the Parliament, (as it ſtands expreſs in the Title) then it cannot but have Reſpect to the King's Death, as well as to any other Means of untimely Diſſolution: The Parliament well knowing the King's Life was as uncertain, yea, in ſome Reſpects, more uncertain, than the Life of other Men; and therefore could not chuſe but ſo underſtand it, if they intended this Act to be any Security for the Monies borrowed, or to be borrowed, upon their Credit. An. 12. Car. II. 1660. November.

'*Thirdly*, In the Subſtance and Body of the Act, it is delivered in expreſs Terms, *That this preſent Parliament ſhall not be diſſolved but by an Act of Parliament:* Whence it follows, That if not diſſolveable unleſs by an Act of Parliament, then it is excluſive to all other Ways and Means of Diſſolution, (as the Interruption by arm'd Violence, the forcible Omiſſion of Days of Adjournment, the violent or natural Death of the King) or whatſoever elſe might be done, or have happened, legally to diſſolve it, had not this Act been made or conſtituted.

'*Fourthly*, and *laſtly*, To make all clear, without any Exception, in the Cloſe of the ſaid Act it is expreſſed, *That all and every Thing and Things whatſoever done, or to be done, for the adjourning, proroguing, or diſſolving of this preſent Parliament, contrary to this Act, ſhall be utterly void and of none Effect:* Which Clauſe you ſee looks backwards and forwards in reference to whatſoever had a legal Power and Tendency before this Act to diſſolve the Parliament. Againſt which this Act hath now fully provided, that neither what hath been done for the Time paſt, nor whatſoever ſhall be done for Time to come, ſhall diſſolve the Parliament, excepting an

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Act of the ſaid Parliament. Whence I argue, That all thoſe Things that otherwiſe legally would or might have diſſolved this Parliament, had not this Act been made, have no Force or Efficacy to diſſolve this, but only an Act of this preſent Parliament: All other Parliaments having no legal Capacity till this be legally diſſolved; unleſs it be granted that two Parliaments may have both of them legal Capacity at one and the ſame Time; which I believe there are none ſo abſurd as to aver, no more than that two Kings may have a legal Capacity at one Time in the ſame Kingdom.

'But becauſe there are divers Objections that ſeem to oppoſe the Premiſſes and the legal Being and Capacity of the ſaid Parliament, I ſhall endeavour to anſwer them as ſtrongly, and yet as briefly, as I may, to every ordinary Reader's Underſtanding.

'The *firſt* and grand Objection of all is, The Death of the late King that ſummoned this Parliament in the Year 1640, and is argued by Mr. *William Prynne*[c]: *Becauſe*, ſaith he, *it hath been frequently reſolved by Parliaments themſelves, the Reverend Judges, and our Law Books; by King* Charles's *own Declaration, and his Judges and Council, That the Depoſition and Death of the King doth actually diſſolve the Parliament*, &c.

'To which I anſwer, by way of Conceſſion, That the Death of the King doth legally, or according to Cuſtom, diſſolve a Parliament that is only called and conſtituted by the King's Writ; but not a Parliament conſtituted and confirmed by an Act of the Three Eſtates. Let Mr. *Prynne*, or any other Lawyer, ſhew me any Law or Precedent to that Purpoſe, and I will preſently yield the Cauſe.

'If Mr. *Prynne* would have ſpoken home to this Caſe, he ſhould have made it appear where, or when, it had been reſolved by Parliament, the Judges, our Law Books, &c. that in caſe of an Act of Parliament made for the Seſſion and Continuance of a Parliament, till they ſhould diſſolve themſelves by an Act,

[c] See his true and perfect Narrative of what was done and ſpoken [illegible] and between Mr. *Prynne*, and the old and newly forcibly ſecluded Members, beginning at p. 24, and ſo forwards. Printed in the Year 1660.

Act, that such a Parliament hath been, or shall nevertheless be, dissolved by the King's Death; which, it is believed, he will find a very hard Task to prove. An. 12. Car. II. 1660. November.

'*Secondly*, He objects, *The Parliament is no standing Court, sitting at certain Seasons by positive Laws, but summoned and constituted by the King's Writ of Summons and Royal Prerogative, when and where he pleaseth, and adjourned, prorogued, and dissolved by his Writ alone in Point of Law*, &c.

'I answer again, by way of Concession, That Parliaments, according to their wonted and by-past Customs, were no certain Courts, sitting at certain Seasons by positive Laws: But yet may be made such by Act of the Three Estates: Witness the Triennial Parliament.

'And further, by an extraordinary Grant of his late Majesty, this Parliament was made a standing Court to sit constantly by a positive Law, till they should please to dissolve themselves. He having been pleased, by the said Grant, for the better Security of his Subjects, to wave his Royal Prerogative and Power of Dissolution, and to give his Consent for the nulling of all other Means tending thereunto.

'And for what Mr. *Prynne* intimates further in the said Objection: *That because all Writs of Summons are actually abated by the King's Death, as well as all other Commissions, and Patents of all Judges, Justices*, &c. *that therefore this Parliament must needs be dissolved.*

'I answer, That doth not at all follow, till he can make it appear that there is no more Validity in an Act of Parliament of the Three Estates, than there is in a meer Writ of Summons, or a Commission or Patent granted only by the King: For tho' this Parliament was summoned by the King's Writ, yet it is manifest its Continuance and Confirmation did not at all depend on That (for then he might still have dissolved it when he pleased); but upon the Act of the Three Estates, who had established it by Law, and so was no more dissolveable by the King's Death, than any other Statute Law or Act of Parliament

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liament whatsoever; and therefore is not depending on so fickle a Thing as a Writ of Summons, or a Patent, or Commission given the Judges, and which the King may take away and repeal again at his own Pleasure.

'And, to illustrate this more by an Instance, I shall desire to ask Mr. *Prynne* this Question: Put a Case that there are certain urgent Necessities, as before specified in the Act, that the Parliament hath of great Sums of Money, for preserving the Peace of the Kingdom: This Money they must take up upon their Credits; but they see no Ways how to raise or repay it, unless their Session be continued for seven Years; therefore, to get Credit for raising the said Money, and Time to reimburse, or give Security to, the Lenders, they obtain the King's Consent to an Act for their Continuance during the said Term, with this Proviso inserted, Though the King, by any Accident, should happen to die before the said Security was given, or the Monies paid. Whether doth the Parliament, in this Case, continue in Force and Efficacy after the King's Death, or is it then actually dissolved?

'If Mr. *Prynne* grant it a Parliament in Force, after the King's Death, upon this Consideration, (as I conceive he cannot deny it) then it is apparent that it is not the King's Death barely that doth of itself dissolve a Parliament, *viz.* I say, a Parliament established by a Law; and consequently then not this Parliament, the Reason being alike for the one as for the other.

'But if he shall aver, (which to me is incredible) That notwithstanding such an Act, yet, by the King's Death, it is legally dissolved; then it will necessarily follow, that Parliament-Security, which was ever looked upon till now as inviolable, is most dangerous, and, of all others, least to be trusted. And the Subjects had need to be warned to take Heed of it, before it must wholly depend upon so uncertain a Thing as the King's Life, which, as it throws no [illegible] upon this High Court, so it will be [illegible] to public Emergencies: For if the King

King die half a Year after the Monies borrowed, and before the Security be given, (and he hath no furer or longer a Leaſe of his Life than other Men) all the ſaid Monies muſt abſolutely be loſt, and ſo the Subjects defrauded, no future Parliament being bound to make good the Acts and Deeds of a former, further than they will or pleaſe themſelves. And it is to be wiſhed that the Kingdom may not now too ſadly have Experience of it. An. 12. Car. II. 1660. November.

'*Thirdly*, Mr. *Prynne* objects, *The King's Name, in which the Writs for Election are iſſued forth; that, becauſe they go out in the Name of the King reigning, and ſo calls the Perſons elected to adviſe with him perſonally; and the Parliament to be convened is called his Parliament, and is to conſult of the arduous Buſineſſes of the Kingdom concerning him*, &c. *Therefore, when the King dies who called the Parliament to adviſe and conſult with himſelf, the Parliament muſt neceſſarily be diſſolved, unleſs they could be ſuppoſed to conſult and adviſe with him of the weighty Affairs of his Kingdom after his Deceaſe.*

'To this I anſwer firſt, That tho' the Writs of Summons run, to conſult with the King perſonally, or by Name, yet they ſay not to conſult with him only, and ſo are not ſo excluſive, having Reſpect to the Reaſon and Equity of the Law; but that the ſame Parliament may alſo conſult with his Succeſſor, if the Peace and Safety of the Kingdom do require: Granting this Maxim to be undeniably true, That the Safety of the People is the Supreme Law.

'And though the Parliament ſummoned by the King's Writs be called his Parliament, yet his Death doth no more vacate it, being eſtabliſhed by Law, than it doth other Laws by the ſame King made, which are moſt properly called his Laws, becauſe enacted with his perſonal Conſent; and yet we know that they are not ſo his, but that they are alſo the Laws of his Succeſſors, and are ſo commonly called.

'Beſides, by conſtituting the Parliament to dure till they diſſolve themſelves by an Act, the King virtually waved the Authority of his Writs of Summons, in which Writs the Parliament is expreſſed to be

[illegible]

An. 12. Car. II. 1660. November. called to consult with him by Name, no such Thing being in the least said or expressed in the Act by which this Parliament is now confirmed to continue, *&c.* Therefore it matters not, neither is it at all to the Purpose in this Case, how, or in what Name, the Writs of Summons, whereby this Parliament was first called, were issued forth: Forasmuch as this Parliament consists no longer by any Authority derivative from those Writs (that Foundation being wholly taken away); but only by Act of the Three Estates, as is evident in that the King could not now dissolve it by his personal Authority any more. And if his personal Authority, he being living (which is affirmative) could not dissolve it; then his Death, which is but negative, or a Cessation of the Influence of his personal Authority, can much less do it.

'And farther, by way of Interrogation, I would ask Mr. *Prynne*, Whether he will grant any more Privilege (in the Case of the King's Death) to a Parliament established by a Law, than he will do to a Parliament only call'd and constituted by the King's Writs, between which he cannot surely but say there is a very wide Difference? And if he yields the Privilege doth excel (as he must needs) on the Side of that Parliament that is established by a Law, in what Sense can he conceive it to be, as the Case here put, unless by the Duration of its Authority after the King's Death who called it? Of which Privilege the Parliament only constituted by the King's Writs comes short, and fails, as before acknowledged, by the King's Death.

'And I would fain know what Reason there is, that a strained Exposition of a Statute Law as this is, (that this Parliament should be dissolved by the King's Death) should take Place against the express literal Sense of it, which is, That it shall not be dissolved but by an Act: When as the strained Sense also is evidently dangerous, unsafe, and prejudicial to the Public; but the literal exceeding beneficial.

'The calling of Parliaments in this or that King's Name, to consult or advise with this or that King, these are but circumstantial Things, and done for

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Order's Sake, and nothing of the Subſtantials and Eſſence of the Government and Kingdom's Welfare. And therefore, if Parliaments, called in this or that King's Name, to adviſe with this or that King, ſhould continue in Force (tho' there were no Act for it) after this or that King's Death, there were no Danger or Inconvenience in it; how much leſs when an Act, as now, implicitly paſſed for that Purpoſe; but rather the contrary? They may conſult with as much Safety and Advantage to the Kingdom with the Succeſſor, as they did with the deceaſed King. An. 12. Car. II. 1660. November.

'But to diſſolve Parliaments raſhly and untimely, may throw a well-ſettled Kingdom into very great and hazardous Difficulties. And how ſad a Thing were it, and how contrary to the general Rule of the People's Safety, (which, in the Government of a Nation, ought to be valued before any thing, and is the End of Government) if, for Circumſtances, the general Welfare and Peace of the Kingdom muſt be hazarded?

'*Fourthly*, As to what Mr. *Prynne* objects concerning *A Man by his Will or Deed, or the King by his Commiſſion, or the Parliament by ſpecial Act and Order, authorizing and impowering any three Perſons jointly to ſell Land, give Livery and Seiſin, execute any Commiſſion*, &c. *and that in caſe any of them die, the two Survivors, jointly or ſeverally, can do nothing, becauſe their Authority and Truſt was joint and not ſeveral*, &c. Applying this to the Parliament, *which being* (as he now expreſſeth it) *a Corporation compacted jointly of the King, Lords, and Commons' Houſe, and Three Eſtates, that therefore the Death of the King neceſſarily diſſolves it notwithſtanding this Act.*

'I anſwer, This doth no more prove it than any of his former Arguments; for this Similitude doth not hold Proportion, nor come up to our preſent Caſe.

'For we have not here to do with one Eſtate or more that hath abſolute Power in itſelf (and intends to execute it) to conſtitute other Perſons for any Office or Truſt, as a ſingle Perſon, &c. that makes

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a Will or Deed doth conſtitute three or more Perſons, in Truſt for the Execution of his Will or Deed, whoſe joint Power, being expreſſed in the ſaid Will or Deed, neceſſarily fails upon the Death of any one of them, becauſe jointly and not ſeverally intruſted.

'But with a Parliament, *Who have voluntarily engaged themſelves*, upon a Truſt and Credit received from the People for their Security, with the Conſent of the King, making a Law to preſerve their Seſſion, *and eſtabliſh their own Authority*, againſt all Means of their untimely Diſſolution, *till they had honourably diſcharged their Truſt*, and given Security and Satisfaction to thoſe that gave them Credit: Which nothing concerns any Power or Authority to be given to others, whether three or more Perſons, according to Mr. *Prynne*'s Inſtance, to be executed jointly, wherein a Failure may be through any one of their Deaths.

'But becauſe there ſeems ſomething ſtill to be unanſwered to this Objection, in reference to the conjunctive Power of the Parliament conſiſting of Three Eſtates; therefore this alſo is fully reſolved, in the following Anſwer, to what Mr. *Prynne* intimates concerning the King's being a Part of the Parliament, who ſaith, *That becauſe the King is a Part of the Parliament, therefore, if the King dies, the Parliament muſt needs be diſſolved.*

'To which I anſwer, That the King is rather a Part of the Parliament in his politic, than in his perſonal, Capacity; which is always ſubject to Death, but his politic, never. With this agrees that famous Lawyer Sir *Edward Coke*, (ſee the third Part of his Inſtitutes, Chap. 1.) where, ſpeaking of the High Court of Parliament, and of what Perſons it conſiſteth, ſaith, in the firſt Place, and in expreſs Words, That it conſiſts of the King's Majeſty ſitting there, as in his Royal, Politic Capacity, &c. And if ſo, then the Parliament dies not in all Caſes when the King dies: And if this holds good in any Caſe, then ſurely in Caſe of an Act to that Purpoſe; for though his Perſon be dead, yet his Royal Authority lives,

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as is ſufficiently evident by the Force and Authority of all our Laws, till repealed by Act of Parliament. An. 12. Car. II. 1660. November.

'But beſides, it may thus farther be argued clearly, The Members of the two Houſes of Parliament, tho' many of them die, (as oft-times it comes to paſs, and 'tis poſſible they may all die by Degrees before the Parliament riſe) yet the Parliament is not diſſolved, becauſe they are not now the very ſame individual Perſons that were choſen firſt by the King's Writs of Summons. 'Tis ſufficient that there have been new Writs iſſued forth from that Houſe, or Eſtate of Parliament whereof they were Members, whereby new Elections, *&c.* have been made, and ſo other Members returned to ſupply the Places of the dead ones. And if this be good in the Caſe of the two Houſes of Parliament, *&c.* which no Man that underſtands Law, and the Uſage of Parliaments will deny; then it is much more good in the Caſe of the King's Majeſty's Perſon, whoſe Royal Eſtate and Authority is ſo evident, that it is a declared, undeniable Maxim in our Laws, He never dies. So that what new Writs do legally, for Supply of the Places of the dead Members, to continue the Eſtate and Authority of the two Houſes of Parliament, that, and much more eminently, the King's immediate Succeſſion to the Crown, after his Father's or Predeceſſor's Death, doth do, by virtue of his Royal Birth-right and Title of Inheritance. There being this grand Difference between Members of Parliament dying, and the King; they ſo die that their Authority cannot be revived but by new Elections, or Writs of Summons; but the King ſo dies, that his Authority ſtill lives by immediate Succeſſion. Whence it is, that the Royal Seat is never vacant, that there ſhould be a Failure to make good the Royal Actions of the Predeceſſor. And thus the Third Eſtate in Parliament, always living, *the joint Power ſtill continues*; and ſo there is no Neceſſity the Parliament ſhould diſſolve, (as Mr *Prynne* affirms) due Circumſtances and Actions being weigh'd, and the Neceſſities of the Kingdom well conſidered.

Fifthly,

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Fifthly, Therefore, by what hath been already said, Mr. *Prynne*'s fifth and laſt Argument muſt needs be out of Doors, which is this, *That becauſe the End of Parliaments is to enact new Laws, and repeal others, &c. which cannot be done but by the King's Aſſent; and this Parliament being to be diſſolved by an Act, and an Act being now impoſſible to be made by that King for the Diſſolution of it, he being dead; therefore his Death muſt needs diſſolve the Parliament notwithſtanding this Act.*

'I anſwer in the Negative, In nowiſe; for tho' he be dead, as aforeſaid, in his perſonal, (which Mr. *Prynne* ſeems to anſwer too weakly in his following Objection) yet not in his politic Capacity: And therefore, if the dead King cannot enact Laws by the Parliament, yet his Succeſſor can, who comes to the Crown immediately after his Father's Death. And, as hath been ſhewed, it is nowiſe inconvenient, but may many Ways be advantageous to the Public, That, ſhould the King chance anywiſe to be untimely taken away, the Parliament ſhould continue after the King's Death; whoſe Death, if it ſhould neceſſarily (as Mr. *Prynne* affirms) diſſolve the Parliament, ſo untimely a Diſſolution, as the Caſe might ſtand, might prove very dangerous and pernicious to the Kingdom.

'Beſides, the Act doth not limit the Parliament's Diſſolution as lawful only, if it be done by an Act of that King then living, when the Act was made; but, in general, it limits it to an Act of Parliament, that it ſhall not be diſſolved but by an Act of Parliament. And why the Predeceſſor's Authority and Conſent ſhould not be as binding to his Succeſſor in this Caſe, till ſo diſſolved, as in Caſe of any other Law made with his Conſent, I would very gladly know a ſolid Reaſon for it; ſeeing that, to all Intents and Purpoſes, an Act for Confirmation, or Diſſolution, may be as virtual and efficacious, without any Prejudice, by the Conſent and Authority of the Succeſſor, as of the Father.

'And further, the Act is alſo herein expreſs, That by no other Way or Means, *but by an Act of Parliament*, it

it ſhall be diſſolved: Which ſeeing it cannot be done by the dead King, but may be done by the Succeſſor, it ought ſo to be diſſolved, or elſe it muſt, and doth, by virtue of this Act, ſtill remain legally in full Being and Authority. An. 12. Car. II. 1660. November.

'*Sixthly*, As to what may be objected concerning the Diſſolution of this Parliament by an Act, when the ſecluded Members were lately admitted; the Argument is ſo weak, that I thought wholly to have omitted the leaſt Mention of it; yet, in regard it is objected by ſome, who ſeem to receive Satisfaction by it, and there to acquieſce, I ſhall give this Anſwer in brief to it:

'*Firſt*, That, at the beſt, that was but an Act, ſo called, of the Houſe of Commons; and ſo, conſequently, far ſhort of the Authority of an Act of Parliament, or any legal Pretence of it, which only conſiſts of King, Lords, and Commons; and therefore, by any ſuch appellative Act, this Parliament can nowiſe be diſſolveable.

'And further, The utmoſt Authority that the Houſe of Commons hath given them by the foreſaid Act, for the Continuation of this Parliament till they diſſolve themſelves by an Act, is but to adjourn themſelves by an Order of their own Houſe, as is expreſs in the ſaid Act; by which it is evident they have no Power to diſſolve themſelves, much leſs by any Act they can do to diſſolve the Parliament.

'And here it is worth the obſerving, (before I paſs over this Act of the Houſe of Commons, whereby it was endeavoured to diſſolve the Parliament) That, in their Judgments and Conſciences, there was Need of an Act to diſſolve the Parliament: And therefore, by this Act of theirs, they did implicitly grant, that, before the paſſing of the ſaid Act, the Parliament was not then diſſolved; and ſo, conſequently, did acknowledge it not to be diſſolved by the King's Death, which happened many Years before: And, if not diſſolved by the King's Death, then much leſs by the ſaid Act of the Houſe of Commons, which carries not the leaſt Shadow of legal Authority with it, as aforeſaid, for the Diſſolution of it; and there-

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fore, by the Judgment of the ſaid Houſe, rightly underſtood, it is ſtill legally in Force and Being.

'But becauſe ſome do object, That, in regard the Lords Spiritual, *to wit*, the Biſhops, were outed the Houſe of Peers before the paſſing this Act for Continuation of the Parliament, whereby their Votes and Conſents were never had in the Caſe, that therefore it was an illegal Act, and ſo fell void in itſelf.

'I anſwer briefly, That the Abbots and Priors (twenty-nine in Number, who were formerly Lords of Parliament, and held *per Baroniam* from the King, and had their Seats and Votes in the Houſe of Peers as well as the Temporal Lords) were diſſolved in the Reign of King *Henry* VIII. and yet [b] all the Parliaments ſince, with all their Acts, have been held for legal and authentic, without the leaſt Queſtion or Contradiction of their Authority; and therefore is as little to be ſcrupled here, in our preſent Caſe, which is the ſame, the Biſhops Privilege and Right to ſit in Parliament being alſo null and made void, as well as theirs, by Act of Parliament. Whereunto much more might here be ſaid to this Purpoſe, but that I would not be tedious.

'*Seventhly*, I have but one Word more, which anſwers moſt fully and unqueſtionably all Mr. *Prynne*'s Objections at once, or what elſe may be ſaid for the Diſſolution of this Parliament by the King's Death; and that is taken from the ſupreme legiſlative Authority under God, that the Three Eſtates, *viz.* King, Lords, and Commons, legally called, have over all Perſons and Cauſes in the whole Nation: By virtue whereof they have Power to do the higheſt Actions the Nation is capable of, tho' it be even to the diſmembering of the Parliament itſelf, and diſſolving a conſiderable Part of it, or altering any other Fundamental Conſtitutions they pleaſe [c], ſo they ſee it neceſſary

[b] See Sir *Edward Coke*, in his third Part of Inſtitutes of the High Court of Parliament, how the Lords gave their Voices, p. 35.

[c] See *Ditto*, of the High Court of Parliament, of the Power and Juriſdiction of the Parliament, p. 36, who ſaith, *That the Power and Juriſdiction of the Parliament for making of Laws, in proceeding by Bill, is ſo tranſcendent and abſolute, as it cannot be confined either for Cauſes or Perſons within any Bounds*, &c.

ceſſary for the public Good, as particularly in the Caſe of the Biſhops, called the Spiritual Lords, and by ſome affirmed to be the Third Eſtate in Parliament; who, nevertheleſs, have been excluded by an Act of the King, Lords, and Commons, from their antient Right of ſitting and voting in Parliament, when, in their Wiſdoms, their Seſſion there appeared hurtful to Church and State: For who may queſtion or control the Actions of a lawful Parliament, while none in the Kingdom can ſo much as pretend to be above them? And if their Authority be of ſo large an Extent, even in Matters of greateſt Weight and Moment, then much more in Things of far inferior and much leſs Concernment, as is the Confirmation of a Parliament to continue after the King's Death who called it, if the Three Eſtates ſhall ſee good to paſs an Act, as now they have done, to that Purpoſe, (implicitly, though not in expreſs Terms) the King happening to die before it hath been diſſolved by an Act of Parliament, as by the Three Eſtates hath been firmly enacted, it ſhould be ſo diſſolved, and no otherwiſe. An. 12. Car. II. 1660. November.

'By this Time, it may be hoped, the legal Being and Authority of the Long Parliament is ſufficiently evident; the Truth whereof being ſo clearly proved, both by Law and Reaſon, how much doth it unfold to us the ſad and dangerous Eſtate of the Kingdom, whilſt under the Conſtitution of ſuch Powers as neither, in Eſtate, Liberty, or Life (tho' otherwiſe of good Inclinations to the Public) can give the Nation any legal Security?

'For tho' many excellent Things have been done by the ſingular Wiſdom of this preſent Parliament, now ſitting, that are of ſpecial Tendency in themſelves, for the Good and Safety of the Nation, thro' his Majeſty's moſt gracious Condeſcenſion, for which we have infinite Cauſe to bleſs God; yet herein the great Unhappineſs, that whilſt their Authority is not legally founded, the Nation can promiſe themſelves no Aſſurance for the laſting Enjoyment of thoſe Benefits and Securities they have given it; ſeeing it is to be feared, and too juſtly, they fall void of themſelves,

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ſelves, by virtue of the ſaid Parliament's illegal Policy and Conſtitution.

'Therefore, how much were it to be wiſhed that the Supreme Legiſlative Authority of the Nation might again revert into that Channel, by which the Peace and Settlement of the Nation, thro' his Majeſty's moſt gracious Influence, might durably, and without Queſtion, be provided for and preſerved.

'In reference to which I ſhall humbly take the Boldneſs to offer it, as a weighty and ſerious Conſideration to this preſent Parliament now ſitting, whether they ſhould not do well, for their own Safety as well as the Nation's, to adviſe his Majeſty in this Particular, (they only having the Privilege and Opportunity now effectually to do it) their Caſe in point of Safety or Danger, being the ſame with the reſt of the People's, when once they ſhall come to be diſſolved.

'But now here, becauſe the Fears and Scruples, which at firſt Apprehenſion are apt to ariſe in the Hearts of the Generality of the Kingdom, may ſeem a great Obſtruction in Prudence againſt the Return of that Parliament to ſit again, in reference to the Danger of perpetuating of it, who therefore may be ready to ſay, By ſo doing we may enſlave King and Kingdom to ſuch a Yoke of Bondage, as we may never be able to break off our own Necks, or the Necks of our Poſterity any more.

'I ſhall give hereunto this cloſing Anſwer, That the Scruple is very rational; and though there is a Poſſibility they might attempt or do ſuch a Thing, (though very improbable) if they ſhould ſo wickedly abuſe their Truſt, yet thoſe Fears will ſoon be removed from wiſe and diſcreet Perſons, if we do but ſeriouſly conſider, that the far greater Number of the Members ſurviving are of the ſecluded Party, who were thruſt and forced out of the Houſe for their Loyalty to the King, or of thoſe that withdrew themſelves upon the Offence given by Occaſion of the Army's Violence againſt King and Parliament, and have been the chief Inſtruments of his preſent Majeſty's happy Reſtoration: And therefore, being

Perſons

Perſons ſo qualified, we may eaſily believe they will not be very willing to draw ſuch an Odium upon their unſtained Credits, as will inevitably follow; beſides the further Miſchiefs will be apt to enſue to themſelves and the Nation, by renewed Diſcontents, ſhould they go about to engroſs the Authority of the Nation any longer in their own Hands, than will be neceſſary for public Safety, with his preſent Majeſty's Approbation; who, for further Security againſt thoſe Fears, may eaſily ſummon them together, by his Proclamation, to *Whitehall*, or where elſe he pleaſeth, before their Seſſion again in Parliament, and there receive their perſonal Promiſe and Engagement to confirm the Acts of this preſent Parliament, and to prepare a Bill the firſt Thing they do, at a certain Time to be agreed on betwixt his Majeſty and them, to diſſolve themſelves; and for his Majeſty's iſſuing out Writs for the ſummoning of a new Parliament, that ſo Things may ſweetly return again, without Violence or Injury done either to his Majeſty's Prerogative or his People's Liberties, into a regular and legal Way of Proceeding, to the general Security and Satisfaction of the whole. An. 12. Car. II. 1660. November.

P. S. 'Becauſe there are great and general Diſſatisfactions concerning this preſent Parliament (ſo called) now ſitting, in Queſtion of its legal Right and Authority, ſeeing the Author's Deſign is nothing elſe but the Peace and Security of his native Country, and a thorough Healing of our Wounds and Breaches, he humbly deſires further to offer theſe few following Particulars, to the grave and ſerious Conſideration of thoſe that are more learned in the Laws, in Hopes that ſome eminent Perſon of that Profeſſion will give a ſolid and judicious Reſolution to them.

'*Firſt*, Sir *Edward Coke*, in the third Part of his Inſtitutes, writing of the High Court of Parliament, and of what Perſons that Court conſiſts, ſpeaking of the Temporal Lords; as, Dukes, Marquiſſes, Earls, Viſcounts, and Barons, who ſit there by reaſon of their Dignities, which they hold by Deſcent or Cre-

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ation, ſaith, That every one of theſe, being of ful Age, ought to have a Writ of Summons, *ex debito Juſtitiæ*.

'Where note, two Things are required to the Legality of their Seſſion in Parliament.

'*Firſt*, That they be of full Age; and if that be a Qualification legally required of Peers, (for it will eaſily be granted to be moſt abſurd and unjuſt, that they that have not Power by Law, as all Infants under Age have not, to diſpoſe of any Part of their own Eſtates, or to make one legal Act to that Purpoſe, that ſuch ſhould have a Share in the Supreme Power to judge, vote, and diſpoſe of the Eſtate and Authority of the whole Kingdom) I ſay then, by Rule of Proportion, that it is a Qualification as neceſſarily required of the Commons upon the ſaid Conſideration: And it were happy for this Nation, therefore, that it were better looked after for the future, that ſo thoſe Miſchiefs may be prevented which too often enſue to the Public, by bringing ſuch green Heads into ſo wiſe and grave a Council.

'*Secondly*, 'Tis required to their legal Seſſion in Parliament, that the ſaid Lords have Writs of Summons; which theſe, now ſitting in this preſent Parliament, never had.

'Next, The ſaid Sir *Edward Coke*, in the forecited Place, ſaith, That the Commons, which he calls there the Third Eſtate of the Realm, conſiſting of Knights of Shires for Counties, Citizens of Cities, and Burgeſſes of Boroughs, they all are reſpectively to be elected by the Shires or Counties, Cities and Boroughs, by Force of the King's Writ *ex debito Juſtitiæ*: But the Commons of this preſent Parliament were not ſo choſen, but by Force of a Writ, in the Name of the Keepers of the Liberties of *England*.

'*Thirdly*, He ſaith, That, at the Return of the Writs, the Parliament cannot begin but by the Royal Preſence of the King, either in Perſon or by Repreſentation. By Repreſentation two Ways; either by a Guardian of *England*, by Letters Patent under the Great

Great Seal, when the King is in remote Parts out of the Realm, or by Commiſſion under the Great Seal of *England*, to certain Lords of Parliament, repreſenting the Perſon of the King, he being within the Realm, in reſpect of ſome Infirmity. (See Sir *Edward Coke*, in his third Part of Inſtitutes of the High Court of Parliament, concerning the Beginnings of Parliaments, p. 6.) But this Parliament began without the Royal Preſence of the King, either in Perſon or by Repreſentation. An. 12. Car. II. 1660. November.

'*Fourthly*, That the Subſtance of the Writs of Summons muſt continue in their original Eſſence, without any Alteration or Addition, unleſs it be by Act of Parliament. (See the ſame Sir *Edward Coke*, in his third Part of Inſtitutes of the High Court of Parliament, concerning Writs of Summons of Parliament, p. 10.) But how great an Alteration and Addition to the Subſtance of the Writs of Summons is this, to iſſue them forth in the Name of the Keepers of the Liberties of *England*, without the leaſt Authority of Parliament; which, by the expreſs Statute, ought only to be iſſued forth in the Name of the King.

'And therefore, if there be any Weight in Mr. *Prynne*'s foreſaid Argument, to null a Parliament, becauſe of the King's Death who called it, in regard the Writs of Summons were iſſued forth in the Name of that King deceaſed, with whom, by Name, the Members of Parliament were called to conſult and adviſe, but now cannot, it will, I conceive, be no hard Queſtion to reſolve, (and it were good Mr. *Prynne* would undertake it without Partiality or Affection) Whether the Parliament doth not, *ipſo Facto*, fall void, and all the Acts of it, further than they ſhall be confirmed by a lawful Parliament, which is not called by any Writs of the King at all, but only by Writs, as aforeſaid, in the Name of the Keepers of the Liberties of *England*, (and by thoſe Writs none but the Commons) with whom they are ſummoned to conſult too about the Buſineſſes of a Commonwealth, (which theſe Times have ſufficiently taught us the Meaning of) and not with

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the King, about the arduous Buſineſſes of his Kingdom.

'Theſe premiſed Illegalities conſidered, in reference to this preſent Parliament, the legal Being and Capacity (as premiſed) of the Long Parliament, being ſuppoſed to be here totally waved, Whether is this a lawful Parliament, and capable to make legal and binding Acts? Or, having been declared a lawful Parliament by an Act by themſelves, made ſince their Seſſion with the King's Conſent, whether can the King's Conſent make them ſuch, tho' otherwiſe unlawful in their Call, Principle, and Foundation?

'For I would put the Caſe the King ſhould have come in while *Oliver*'s or *Richard*'s Parliaments had been ſitting, to which the Lords, (as now) ſhould have preſented themſelves without Writs of Summons, and his Majeſty, under that Conſtitution, ſhould have conſented to a Bill to grant them a lawful Parliament; would that at all have made them ſo, under ſuch a Conſtitution? Can that which is unlawful in itſelf, and contrary to the Fundamental Conſtitutions of the Nation, be made lawful barely by the King's Conſent?

'Which, if it ſhall be pleaded in the Affirmative, (tho' I very much queſtion whether any underſtanding Lawyer will venture his Reputation on it) I ſhall deſire then to be inſtructed in a better Argument to make good the lawful Being and Authority of the Long Parliament; for ſurely, if a Parliament be lawful meerly becauſe of the King's Conſent, paſſing an Act for that Purpoſe, tho' otherwiſe utterly unlawful in its Call and Foundation, then doubtleſs that Parliament is much more lawful, and in its legal Being, that was founded upon a lawful Call, and had the King's Conſent to an Act to authorize it to continue till they diſſolve themſelves by an Act: And if that be ſtill a lawful Parliament, then I am ſure, upon that Account, this can be none, nor no other till that be legally diſſolved.

'To which there is this further to be added, concerning the Intentions generally of the whole Nation, in reference to this Parliament, by the beſt Information

formation I can gather, That it was never in the leaſt meant that theſe ſhould ſit to paſs Acts as a lawful Parliament, which was only like to prove a Snare to the People, as other Parliaments of the like Nature, ſo called, have done, thro' the Diſputableneſs and Unwarrantableneſs of their Authority: But only that, for the preſent Neceſſity, they might bear the Face of Parliamentary Authority, for preſerving the Peace of the Nation, till his Royal Majeſty, that now is, might be happily reſtored, the Kingdom panting after him as their only Means of Settlement; and ſo ſoon as that was effected, then to diſſolve, in order to the ſending forth his Majeſty's Royal Writs of Summons for calling a Parliament, according to the antient Cuſtom and Fundamental Conſtitution, (the old Parliament being firſt legally diſſolved) that ſo all Things might return again into a legal and uncontrovertable Way of Proceedings, to the Quiet of all Men's Minds, and Satisfaction of the whole Kingdom, who are ſufficiently weary of the Miſchiefs of irregular Actings by illegal Authorities. An. 12. Car. II. 1660. November.

'*Concluſion.* If the Power of the Sword, or other arbitrary Proceedings, do not interpoſe to interrupt free Debates, and the Courſe of Law and Juſtice, (which the Author hopes there is now no Cauſe to fear as formerly) all Eſtates and Degrees in the Nation having ſufficiently ſeen the Inconvenience, and taſted the Smart of ſuch unrighteous Actings, he doubts not, upon a ſerious Conſideration of the foregoing Arguments, (if Men will lay aſide Paſſion and Self-intereſt) but that right Foundations will ſhortly again be reſtored; that knowing our Ground-work to be ſure and unqueſtionable, the Subjects of all Sorts in the Kingdom may, with all Safety and Chearfulneſs, ſubmit to, and act under, the lawful Powers in being, every one ſitting in Peace under his own Vine and Fig-Tree, bleſſing the God of his Salvation; which is daily the Author's earneſt and moſt hearty Prayer.'

In

An. 24. Car. I. 1648. January.

MISCELLANEOUS TRACTS,

BUT RELATIVE TO

PARLIAMENTARY PROCEEDINGS.

IT having been objected to the Compilers of this Hiſtory that they omitted printing the Warrant for executing King *Charles* the Firſt in its due Place, ſince it was certainly an Act of a garbled Houſe of Commons, if not of the whole; we think proper to give it here, along with the Preambles to two Acts of the Convention Parliament, that reſtored his Son and Succeſſor, without any other Comment or Animadverſion upon them:

At the High Court of Juſtice for the trying and judging of CHARLES STUART, King of *England*, *January* 29, *Anno Dom.* 1648. [w]

The Bloody Warrant.

WHereas Charles Stuart, *King of* England, *is and ſtandeth convicted, attaynted, and condemned, of High Treaſon, and other high Crimes, and Sentence uppon* Saturday *laſt was pronounced againſt him by this Court, to be put to Death, by the ſevering of his Head from his Body, of which Sentence Execution yet remaineth to be done: Theſe are therefore to will and require you to ſee the ſaid Sentence executed in the open Street before* Whitehall, *uppon the Morrow, being the Thirtieth Day of this Inſtant Month of* January, *between the Hours of Ten in the Morning and Five in the Afternoon of the ſame Day, with full Effect. And for ſo doing this ſhall be your ſufficient Warrant. And theſe are to require all Officers and Soldiers, and other the good People of this Nation of* England, *to be aſſiſting*

[w] From an Engraving of the Original, now in the Cuſtody of the Houſe of Lords, and publiſhed by the Antiquarian Society, 1750.

ing unto you in this Service. Given under our Hands and Seals. An. 24. Car. I. 1648. January.

To Colonel *Francis Hacker*, Colonel *Huncks*, and Lieutenant-Colonel *Phayre*, and to every of them.

Jo. Bradshawe.
Tho. Grey.
O. Cromwell.
Edw. Whalley,
M. Livesay.
John Okey.
J. Danvers.
Jo. Bourchier.
H. Ireton.
Tho. Mauleverer.
Har. Waller.
John Blakiston.
J. Hutchinson.
Will. Goff.
x
Pe. Temple.
J. Harrison.
J. Hewson.
Hen. Smyth.
Per. Pelham.
Ri. Deane.
Robert Tichborne.
J. Hammonde.
Daniel Blagrave.
Owen Rowe.
William Perfoy.
Ad. Scrope.
James Temple.
A. Garland.
Edm. Ludlowe.
Henry Marten.
Vincent Potter.
Wm. Constable.
Rich. Ingoldsby.
Will. Cawley.
Jo. Barkstead.
Isaac Ewer.
John Dixwell.
Valentine Wauton.
Simon Mayne.
Tho. Horton.
J. Jones.
John Penne.
Gilbt. Millington.
G. Fleetwood.
T. Alured.
Robt. Lilburne.
Will. Say.
Anth. Stapley.
Gre. Norton.
Tho. Challoner.
Tho. Wogan.
John Venn.
Gregory Clement.
Jo. Downes.
Tho. Wayte.
Tho. Scott.
Jo. Carew.
Miles Corbet.

The

x This Name is not legible in the Original. Several more of them are very difficult to read; probably by Design.

An. 12. Car. II. 1660.

The PREAMBLE *to an* ACT *for a perpetual* ANNIVERSARY THANKSGIVING *on the 29th Day of* May.

Preamble to the Act for the 29th of *May*.

FOraſmuch as Almighty God, the King of Kings, and ſole Diſpoſer of all earthly Crowns and Kingdoms, hath, by his all-ſwaying Providence and Power, miraculouſly demonſtrated, in the View of all the World, his tranſcendent Mercy, Love, and Graciouſneſs, towards his Moſt Excellent Majeſty *Charles* the Second, by his eſpecial Grace, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the true Faith, and all his Majeſty's loyal Subjects of this his Kingdom of *England*, and the Dominions thereunto annexed, by his Majeſty's late moſt wonderful, glorious, peaceable, and joyful Reſtoration to the actual Poſſeſſion and Exerciſe of his undoubted Hereditary, Sovereign, and Regal Authority over them, (after ſundry Years forced Extermination into foreign Parts, by the moſt traiterous Conſpiracies and armed Power of uſurping Tyrants and execrable perfidious Traitors) and that without the leaſt Oppoſition or Effuſion of Blood, through the unanimous, cordial, loyal, Votes of the Lords and Commons, in this preſent Parliament aſſembled, and paſſionate Deſires of all other his Majeſty's Subjects; which inexpreſſible Bleſſing, by God's own moſt wonderful Diſpenſation, was compleated on the twenty-ninth Day of *May* laſt paſt, being the moſt memorable Birth-Day, not only of his Majeſty, both as a Man and Prince, but likewiſe as an actual King, and of this and other his Majeſty's Kingdoms, all (in a great Meaſure) new-born and raiſed from the Dead on this moſt joyful Day, wherein many Thouſands of the Nobility, Gentry, Citizens, and other his Lieges of this Realm, conducted his Majeſty unto his Royal Cities of *London* and *Weſtminſter*, with all poſſible Expreſſions of their public Joys and loyal Affections, in far greater Triumph than any of his moſt victorious Predeceſſors, Kings of *England*, returned thither from their foreign Conqueſts: And both his Majeſty's Houſes of Parliament,

liament, with all dutiful and joyful Demonſtrations of their Allegiance, publickly received, and cordially congratulated his Majeſty's moſt happy Arrival, and Inveſtiture in his Royal Throne, at his Palace at *Whitehall*. Upon all which Conſiderations, this being the Day which the Lord himſelf hath made, and crowned with ſo many public Bleſſings and ſignal Deliverances, both of his Majeſty and his People, from all their late moſt deplorable Confuſions, Diviſions, Wars, Devaſtations, and Oppreſſions, to the End that it may be kept in perpetual Remembrance in all Ages to come, and that his Sacred Majeſty, with all his Subjects of this Realm, and the Dominions thereof, and their Poſterities after them, might annually celebrate the perpetual Memory thereof, by ſacrificing their unfeigned, hearty, public Thanks thereon to Almighty God, with one Heart and Voice, in a moſt devout and Chriſtian Manner, for all theſe public Benefits received and conferred on them upon this moſt joyful Day; be it therefore enacted, *&c.* An. 12 Car. II. 1660.

The PREAMBLE *to an* ACT *for the Attainder of ſeveral Perſons guilty of the horrid Murder of his late Sacred Majeſty King* Charles *the Firſt.*

'IN all humble Manner ſhew unto your Moſt Excellent Majeſty, your Majeſty's moſt dutiful and loyal Subjects the Lords and Commons in Parliament aſſembled, That the horrid and execrable Murder of your Majeſty's Royal Father, our late moſt gracious Sovereign *Charles* the Firſt, of ever bleſſed and glorious Memory, hath been committed by a Party of wretched Men, deſperately wicked and hardened in their Impiety; who, having firſt plotted and contrived the Ruin and Deſtruction of this excellent Monarchy, and, with it, of the true Reformed Proteſtant Religion, which had been ſo long protected by it, and flouriſhed under it, found it neceſſary, in order to the carrying on of their pernicious and traiterous Deſigns, to throw down all the Bulwarks and Fences of Law, and to ſubvert the very Being and Conſtitution of Parliament, that ſo they might, And to the Act of Attainder.

An. 12. Car. II. 1642.

at last, make their Way open for any further Attempts upon the Sacred Person of his Majesty himself; and that, for the more easy effecting thereof, they did first seduce some Part of the then Army into a Compliance, and then kept the rest in Subjection to them, partly for Hopes of Preferment, and chiefly for Fear of losing their Employments and Arrears, untill by these, and other more odious Arts and Devices, they had fully strengthened themselves both in Power and Faction; which being done, they did declare against all Manner of Treaties with the Person of the King, even then while a Treaty, by Advice of both Houses of Parliament, was in Being; remonstrate against the Houses of Parliament for such Proceedings; seize upon his Royal Person, while the Commissioners were returned to the House of Parliament with his Answer; and, when his Concessions had been voted a Ground for Peace, seize upon the House of Commons, seclude and imprison some Members, force out others, and there being left but a small Remnant of their own Creatures, (not a tenth Part of the whole) did seek to shelter themselves by this weak Pretence, under the Name and Authority of a Parliament, and, in that Name, laboured to prosecute what was yet behind and unfinished of their long-intended Treason and Conspiracy: To this Purpose they prepared an Ordinance for erecting a prodigious and unheard-of Tribunal, which they called *An High Court of Justice*, for Trial of his Majesty; and having easily procured it to pass in their House of Commons, as it then stood moulded, ventured to send it up from thence to the Peers then sitting, who totally rejected it; whereupon, their Rage and Fury increasing, they presume to pass it alone, as an Act of the Commons, and in the Name of the *Commons of England:* And having gained the Pretence of Law, made by a Power of their own making, pursue it with all possible Force and Cruelty, untill at last, upon the 30th Day of *January*, 1648, his Sacred Majesty was brought unto a Scaffold, and there publickly murdered before the Gates of his own Royal Palace.

And

'And becauſe, by this horrid Action, the Proteſtant Religion hath received the greateſt Wound and Reproach, and the People of *England* the moſt inſupportable Shame and Infamy, that it was poſſible for the Enemies of God and the King to bring upon us, whilſt the fanatic Rage of a few Miſcreants (who were as far from being true Proteſtants as they were from being true Subjects) ſtands imputed by our Adverſaries to the whole Nation: We therefore, your Majeſty's ſaid dutiful and loyal Subjects, the Lords and Commons in Parliament aſſembled, do hereby renounce, abominate, and proteſt againſt that impious Act, the execrable Murder, and moſt unparallel'd Treaſon, committed againſt the Sacred Perſon and Life of our ſaid late Sovereign, your Majeſty's moſt Royal Father, and all Proceedings tending thereunto; and do beſeech your moſt excellent Majeſty, that it may be declared, and be it hereby declared, That, by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together, in Parliament or out of Parliament, nor the People collectively or repreſentatively, nor any other Perſons whatſoever, ever had, have, hath, or ought to have, any coerſive Power over the Perſons of the Kings of this Realm. And for the better Vindication of ourſelves to Poſterity, and as a laſting Monument of our otherwiſe inexpreſſible Deteſtation and Abhorrency of this villainous and abominable Fact, we do further beſeech your moſt excellent Majeſty that it may be enacted, &c.

An. 12. Car. II. 1642.

In

In the Preface to the firſt Volume of this Hiſtory, Page 7, and 8, Mr. Secretary *Ruſhworth* is charged with ſeveral Omiſſions, and, we doubt, wilful Prevarications, in his *Hiſtorical Collections*; many of which have been proved upon him in the ſucceeding Volumes of this Work. That other Writers were likewiſe doubtful of Mr. *Ruſhworth*'s Veracity, the following Extracts from authentic Teſtimonies will ſhew. The Two Letters were tranſcribed from Originals, which were ſent to the Rev. Dr. *Nalſon*, whilſt he was publiſhing his, what is there called, *Impartial Collections*, &c. meant as a Detection of *Ruſhworth*'s Errors, about the Year 1680; two Volumes of which were only printed, for the Doctor did not live to finiſh the whole, which theſe Letters were deſigned to aſſiſt him in. But firſt we think proper to reprint Mr. *Ruſhworth*'s Dedication to the then Protector *Richard Cromwell*, prefixed to the firſt Edition of his Collections; but which was prudently omitted in the Second, publiſhed long after *Ruſhworth*'s Death, and of which the Reader will find a fuller Account in the ſucceeding Letters.

To his Highneſs RICHARD, LORD PROTECTOR of the Commonwealth of *England*, *Scotland*, and *Ireland*, and the Dominions and Territories thereunto belonging.

May it pleaſe your Highneſs,

Ruſhworth's Dedication to *Richard Cromwell*.

THE poor Widow came far ſhort of others in her Offers into the Treaſury, and yet, when ſhe had given her two Mites, ſhe had given all ſhe had. I muſt fall ſhort of her: She gave of her own, (for the two Mites appear to have been ſo) but ſuch is the Weakneſs of my Condition, and the Nature of this enſuing Diſcourſe, that I neither can, nor ſhall herein, preſent to your Highneſs any Thing of my own. The Words, Actions, and Atchievements herein related, belong all to other Perſons; and I can challenge but the bare Repreſentation, and the moulding them into ſuch a Body wherein they now appear: A Body not of ſo compleat

pleat a Shape or Pourtraiture, as may be worthy your Highneſs's Aſpect.

It's not amiſs for Princes to hear of and read the Actions or Miſcarriages of Princes; nay, of leſſer Perſons; indeed they can hardly ſet more uſeful Books before their Eyes. It is hard for the Pilot to eſcape, unleſs he hath firſt diſcovered thoſe Shelves and Rocks upon which others have been ſplit: What is that we call Prudence or Policy, but a Syſtem of Obſervations and Experiences deducted from other Men's Principles, Practices, Purpoſes, and Failings?

As to the Matter contained in this Story, relating to arbitrary Courſes given Way unto by former Princes, I ſhall make bold to uſe the Expreſſion of an eminent Perſon in his Time, ſpoken in full Parliament at the Trial of the Earl of Strafford; *who, ſpeaking of an Endeavour that had been uſed to ſubvert the Laws, and to introduce arbitrary Government, has, among other Paſſages, this Obſervation, "There is, in this Crime, a Seminary of all Evils hurtful to a State, and, if you conſider the Reaſons of it, it muſt needs be ſo. The Law is that which puts a Difference betwixt Good and Evil, betwixt Juſt and Unjuſt: If you take away the Law, all Things will fall into Confuſion, every Man will become a Law to himſelf; which, in the depraved Condition of human Nature, muſt needs produce many great Enormities; Luſt will become a Law, and Envy will become a Law; Covetouſneſs and Ambition will become Laws; and what Dictates, what Deciſions, ſuch Laws will produce, may eaſily be diſcerned. The Law is the Safeguard, the Cuſtody of all private Intereſt; your Honours, your Lives, your Liberties, and Eſtates, are all in the keeping of the Law; without this every Man hath a like Right to every Thing: What can be more hurtful, more pernicious, than arbitrary Power &c.?" Thus far that Gentleman. Your Highneſs will find here the Mention of a great Prince, who was wont to ſay, He was an old experienced King, and to him belonged the Calling, Sitting, and Diſſolving of Parliaments; and he publickly ſaid (I ſpeak in his own Phraſe) "That he had broke the Neck of three Parliaments," yet*

at laſt he did comply with his laſt Parliament, and ſaid, "*He ſaw he ſhould be in Love with Parliaments, having underſtood many Things by them, which, otherwiſe, he ſhould never have known.*"

Moreover here you will have, in View, a ſucceeding Prince, who alſo broke three Parliaments one after another; and how fatal that was to him ſucceeding Times have abundantly declared. The Obſervation is not mine, but of much more antient Date, thoſe Princes who did moſt conſult with their People in Parliament (that being the Common Council of the Nation) have moſt proſpered in their Courſes, there being both Safety and Love gained from ſuch Counſellors and Councils. And Parliaments, in the Nature of them, are good Phyſic to cure and redreſs the Diſeaſes and Diſtempers of the Body Politic, which moſtly grow and overflow in the Intervals of them; yet many think Parliaments are but an ill conſtant Diet, which certainly moved Queen Elizabeth, *of famous Memory, who was well acquainted with the Conſtitutions of the Body of this Nation, to call Parliaments frequently, but to continue none very long. By this Means ſhe wrought herſelf into the good Opinion of her People; and, by becoming the Miſtreſs of their Affections, ſhe alſo became, in ſome Sort, the Miſtreſs of their Purſes, which were always opened unto her upon the juſt and urgent Occaſions of the Nation; but the Help and Aid which comes from the People by Strains, contrary to the Laws of the Nation, and Liberties of the People, being drawn from them through Fear, wants the Perfume of a willing Heart, and has no longer Continuance than whilſt the Impreſſion of that Fear laſts. But few Words are beſt to Princes; vouchſafe your Highneſs Pardon to him who thus preſumes to make ſo mean an Oblation at ſo high an Altar; your good Acceptation will be the greateſt Honour to it, and to*

Your Highneſs's humbleſt

and moſt obedient Servant,

JOHN RUSHWORTH.

For

For the Rev. Dr. NALSON, *at the Sign of the* Ship *in St.* Paul's *Church-Yard.*

SIR, *January* 30, 1681.

'NOT having obſerved any Notice taken of the two *different Impreſſions* of Mr. *Ruſhworth*'s firſt Volume of Collections, either by Dr. *Franklyn* or yourſelf, in your late Collections, I have tranſcribed ſome few Variations, which occurred to me in a tranſient Collation of the two Editions, chiefly to excite others of more Leiſure to a cloſer and more narrow Inſpection. Not many Years ago the *Hiſtorical Collections* crept out in a ſtolen Edition; but, the better to prevent any Diſcovery, with the old Title Page exactly; ſo that ſtill the pretended Year is 1659. In this Edition (which I ſhall call the Second) you will find theſe following Omiſſions: A Letter on *Ruſhworth*'s Collections.

1. 'Epiſtle Dedicatory to *Richard* totally left out, it not being any Advantage to the Reputation of the Collections to have it known to Poſterity, that they were tendered by the Author as *a mean Oblation to the High Altar* of the late Protectorſhip. (Wherever you meet with any Clauſe in *Italic* the Words are Mr. *Ruſhworth*'s)

2. 'In the Preface, *Secrets of State, and (which are the Words of an Act of Parliament) the Deportment of a Prince, wiſely diſſimulating with his People*, left out in the ſecond Edition.

3. 'In ditto, *If any one engaged on the King's Side come forth in Print with the like Moderation*, and ſix Lines farther, totally left out in the ſecond Edition.

4. 'I have but one Word to ſay to my good and 'worthy Friends of the Army, and that muſt be by 'Way of Apology, that this contains not what may 'be expected by them from me, the Relation of the 'Motions, Actions, and Atchievements of the Ar-'my, which I acknowledge was the firſt Thing in 'my Thoughts and Intentions; but, upon farther 'Conſideration, I found it neceſſary to look back-'ward, that we may the better underſtand the Cauſes

'and Grounds which brought the late War upon 'us, before we ſet forth the Actions in the War. 'In the former we may ſee the Vigilancy and Care 'of our Anceſtors, to ſecure and uphold our Liberty 'and Property, and to tranſmit the ſame, in as much 'Purity as might be, to their Poſterity. In the lat-'ter, which are the Actions of the War, we ſhall 'ſee their Courage and Magnanimity ſetting an '*higher Value upon the Rights and Liberties of the* 'Nation, *than upon their own Lives.* Whom there-'fore, when I come in Order of Time to mention, 'and ſhall alſo have Occaſion to magnify *for their* 'Perſeverance *in maintaining and defending thoſe* 'Laws and Liberties, *(ſo redeemed with the Price of* 'their Blood) *againſt arbitrary Ways and Courſes,* 'how joyful *ſhall I be to employ my Pen to chronicle* 'ſuch *of their Names to Poſterity, who juſtly merit* 'that Character, *as worthy of double Honour?* All 'this, in *Italic*, omitted in the ſecond Edition.

5. 'In ditto, *Such private Conſultations, ſuch ſtrange Contrivances, diſcovered by Papers, Letters, and Cabinet-Memorials, ſeized on in the Time of War.* Omitted in the ſecond Edition.

6. 'Page 156, *Uncle to that valiant, victorious, and ſelf-denying General,* Thomas Fairfax, *late Commander in Chief of the Parliament's Armies in* England. Left out in the ſecond Edition.

7. 'Page 164, *But, alas, good King! Here was an End of his earthly Empire, and little did he imagine that the laſt Period to* Great-Britain's *Monarchy ſhould not much exceed the Time of his own Reign, and, in the true Extent, come ſhort of it.* Omitted in the ſecond Edition.

8. 'Ibid. *There is a Book ſaid to be writ by a Knight of* Kent, *and intituled,* King James's Court, *which renders a farther Character of that King. We forbear particularizing any thing thereof, (no Name being put to the Book) but leave the Reader to his Freedom.* Left out in the ſecond Edition.

'Upon peruſing theſe Alterations it is ſufficiently evident, that theſe Paſſages were not omitted out of Regard to the Government, but to the Author, ſince

ſince the leſs his Deſign appears, the more Credit and Authority is gained to the Book. The Poiſon paſſes unſuſpected, and the Writings look the more impartial, notwithſtanding the Book, as to the Subſtance, continues as peſtilent and pernicious as before. Variety of Reflections might be made, but I ſhall only remark that, in the ſecond Omiſſion, he dignified a *Remonſtrance* with the Stile of an *Act of Parliament*, wherein, tho' the King ſtands accuſed of Diſſimulation, yet the Hypocriſy of his Enemies will render them infamous to all Ages.

'In the Third he owns himſelf not to be of the King's Party, and bids Defiance to any to come forth and anſwer.

'In the Fourth he doth publickly declare and own his Intent and Deſign to be for the Honour of his good Friends the Army, which, certainly, at the Time of his writing, had run through the whole Circle of Villainy, Treachery, and Falſeneſs. What Juſtice the Cavaliers and Royaliſts may expect from Mr. *Ruſhworth*'s Pen, you may eaſily conclude, when he calls the Rebellion *ſetting an high Value upon the Rights and Liberties of the Nation, the redeeming of the Laws, and worthy of double Honour. And this to be recorded with Joy in his Chronicle of their Actions.* In omitting theſe Paſſages in his ſecond Edition, none certainly will ſuſpect his Prudence, though the Fifth might have been continued, ſince the Effects of thoſe Conſults are ſtill both *ſtrange* and *private* to inquiring Men.

'The ſixth Omiſſion is altogether as ſeaſonable, ſince that Remark might only have reminded us, that both our Author's Maſter and himſelf ſigned (as the latter, in all Probability, alſo penn'd) that bloody and traiterous Remonſtrance from *St. Alban's*.

'It is highly probable that the ſeventh was Mr. *Ruſhworth*'s own Opinion, as well as Mr. *Wilſon*'s, as if the Author neither wiſhed or imagined the Reſtoration of King *James*'s Iſſue.

'The eighth Omiſſion is likewiſe as proper for his Purpoſe, ſince it was only too plain an Inſtance

of his Partiality againſt King *James*, by referring the Reader to ſo infamous and ſcandalous a Libel; tho' (if *Saunderſon* ſpeaks true) Sir *Anthony Weldon*, the Author, repented of it on his Death-Bed. And leſt it ſhould be pretended that theſe Paſſages were put out by the Printer, without the Author's Knowledge; beſides the Improbability of the Suppoſition, we may eaſily perceive that it was the Evaſion and Fineſſe of our Author, ſince it cannot be denied but that there are alſo Additions of three very conſiderable Speeches in this ſecond Edition, very much to the Honour of the Government, *viz.* Page 481, Sir *John Finch*'s Speech, with two of the Lord-Keeper's; wherein the Notion of the Three Eſtates is not obſcurely hinted. The common Miſtake of which hath been the Occaſion of its being demonſtrated, beyond all Exception, by the admirable Author of the *Grand Queſtion*; to which ſhall be added what is not there obſerved, (if my Memory deceive me not) *viz.* Two Evidences in Queen *Elizabeth*'s Reign; the one at Page 173 of *Parrow's Collections*, in a Proclamation againſt ſeditious Books, are theſe Words: *Prelacy being one of the antient Eſtates of this Realm under her Highneſs.* And in another, Page 201, of the ſame Author, *Conſenſu trium Regni noſtri Statuum*; to which may be ſubjoined the Papers of the 5th of *November*, according to the preſent Alteration, (for the Words were otherwiſe in King *James*'s Time) in the Communion Service, inſtead of the Collect for the Day. The Words likewiſe of the 37th Article of Religion ſeem evidently to import as much, by declaring the Queen's Majeſty Governor of all Eſtates, whether *Eccleſiaſtical or Civil.*

'Sir, I beg your Pardon both for my Officiouſneſs and Length, and refer all to your mature Judgment, as being,

SIR,

Your unknown Friend,

And humble Servant.

Extract

Extract of a LETTER *from Mr.* JOHN LAUGHTON,[a] *Librarian of* Trinity-College, Cambridge, *to the Rev. Dr.* Nalſon.

Honoured Sir, *Auguſt* 2, 1681.

'I Muſt confeſs that, at the Sight of your laſt kind and moſt obliging Letter, I could not but bluſh, and be heartily aſhamed, having ſo long ago raiſed your Expectation, by promiſing to give Aſſiſtance to that Work ſo beneficial to the Public, which you have ſo generouſly undertaken. I am extremely ſenſible that all I could contribute towards it is ſo little, that it ought either to have been done ſooner, or more fully performed. Another on the ſame.

'For I find, after all, (to my great Trouble and Regret) that I muſt, of Neceſſity, have Recourſe to that Shift of making Apologies, or begging your Pardon, ſince what I now ſend you ſo late, will, I fear, amount to little leſs than a Diſappointment.

'I have ſeveral Times read over Mr. *Ruſhworth*'s firſt Volume, and thereupon had reſolved to proceed, in his Method, to detect the Malice and Partiality of his Collections.

'Conſidering with myſelf what the whole Drift and Deſign might be, it ſeemed very plain and apparent to me, that it was no other, in general, than to vindicate the Rebel Long Parliament, but more particularly to gather up ſuch Materials as might ſomewhat juſtify, and give ſome Colour, to all the Lies and Calumnies contained in that accurſed Declaration of *Feb.* 11, 1647, wherein they expreſs their Grounds and Reaſons of their Reſolutions to make no further Addreſſes to the King.

'His Maſter *Fairfax*, by bringing up the Army then to *London*, to terrify both City and Parliament, had the greateſt Hand in contriving thoſe traiterous Votes, and getting them to paſs the Houſe, which was the firſt and more immediate Step towards the Murder of the King.

'*Ruſhworth*'s Intention, I doubt not, but it was to palliate that horrid Villainy, ſo far as he himſelf,

[a] This Mr. *Laughton* was generally reputed a Whig in the Univerſity. *E. G.*

and his Maſter, were concerned in it, by falſely repreſenting and endeavouring to blacken the King.

'That Declaration contains all the Venom that was in *Bradſhawe*'s Speech at his Trial, and in all the peſtilent Libels after his Martyrdom.

'In the relating of all theſe Matters and Tranſactions, which are the Objects of the Declaration and Charge againſt his Majeſty, it was my Deſign to ſhew *Ruſhworth*'s Fraud in perverting and concealing the Truth; for which I have tranſcribed what ſeveral have writ in Defence of his Majeſty, as to that Particular, and in Confutation to the Declaration.

'There are ſeveral Apologies for his Majeſty printed in 1648, and a Book, ſaid to be writ by Biſhop *Bramhall*, intituled, Εικὼν Ακλαστος, in Anſwer to *Milton*'s Εικονκλαστης, out of which, if *Ruſhworth* had been an honeſt Man, he might have given a more true and advantageous Account of the Treaty with *Spain*, and the Buſineſs of *Rochelle*, and the Death of King *James*, the Deſigns of the *German* Horſe, Loans, *&c.* it being not the Part of a faithful Hiſtorian merely to record ſuch Matters of Fact as may admit of a ſiniſter Interpretation, without relating all the Circumſtances which might eaſily vindicate the Perſons therein concerned from being miſunderſtood or calumniated.

'But, on the other Side, how induſtriouſly doth he conceal many Things, ill ſaid or done, by the Republicans?

'He gives not the leaſt Intimation how King *Charles* the Martyr was deſerted and betrayed by the Parliament he called, in being engaged in a War with *Spain*; how, inſtead of aſſiſting him therein, and for the Recovery of the *Palatinate*, they would do nothing till all ſuch Things, as they then accounted Grievances, were redreſſed.

'The Perſons who had then a Deſign to perplex him, and diſappoint his Majeſty's Affairs, are well diſciplined by Dr. *Heylin*, in his Life of Abp. *Laud*, and others: Alſo the private Cabals that were held by the factious Party, concerning which you may find

find a Letter of Sir *Anthony Aſhley*'s, in the *Cabalæ of Letters, Edit. Fol.* p. 2. In the ſame *Cabalæ*, p. 277, there is a large Letter to the King *ab Ignoto*, giving a true Account of the Malecontents of ſeveral Sorts and Parties; which Letter Mr. *Ruſhworth* (as his Manner is) corrupts, by giving only an Epitome of it, quite diſguiſing the Senſe, and leaving out the Names of thoſe Perſons therein juſtly cenſured; and this he doth generally in his Parliamentary Debates, as it will plainly appear by comparing that imperfect Copy, which I have herewith ſent you, (hoping it may be of ſome Uſe to you) with his Relation and Account of the Tranſactions of that Parliament which was aſſembled the 17th of *March*, 1627.

'You may obſerve, that thoſe Speeches which expreſs any Loyalty, and do but acknowledge his Majeſty's Power and Prerogative, *&c.* are moſt of them condemned and ſuppreſt by him, as impertinent, indeed, to his Deſign: He curtails ſome of them, and contracts others; the Reaſon whereof may ſoon be diſcerned upon Peruſal.

'As for Inſtance, p. 68, 69, 71, of the MS. there are ſeveral Speeches of the King's Sollicitor, and Sir *Edward Coke*'s Anſwer to them, omitted. They ſhould be inſerted in *Ruſhworth*, p. 509.

'It is evident why they are left out: He would not let ſuch a Blur remain on the Name of *Coke*, as to have been of one Opinion when he was a Judge, and in Favour at Court, and of another when a Patriot, and diſguſted.

'*Coke*'s true Character you may read in the forementioned *Cabalæ*, writ to himſelf by the Lord *Bacon*, p. 88.

'But that Letter, which I before mentioned, *Cabalæ*, p. 277, gives ſo true a Repreſentation of the State of Affairs at that Time, that, methinks, it would not be amiſs to reprint it, with ſome Comment and Annotations upon it; towards which a Book, intituled, *Aulicus Coquinariæ*, or an Anſwer to that virulent Slander of *Weldon*, called, *The Court and Character of King* James; together with Dr. *Heylyn*'s Remarks upon *Fuller*'s, *Saunderſon*'s, and *Hammon*

mon L'Eſtrange's Hiſtories, would ſufficiently furniſh out Materials.

'But, above all, I cannot but recommend *Salmonet*'s *Hiſtoire des Troubles de la Grand Bretagne*[a], who, above all that I have yet read, gives the cleareſt and moſt exact Account of our Affairs, from the Year 1633, to the End of the Rebellion, 1649. *Paris*, 1661, *Folio*

'Amongſt the Libels which, after the Diſſolution of the Parliament, *March* 10, 1628, were both contrived and diſperſed by the Republicans, there was one called, *A Propoſal for his Majeſty's Service, to bridle the Impertinences of Parliaments, &c.* which Mr. *Ruſhworth* publiſhes in the Appendix, p. 12, to have it believed a real Deſign, and to be put in Practice; otherwiſe, Why did he not print it, together with the Attorney's Information, as it is in the Pamphlet I have ſent you?

Mr. *Arthur Charlet*, of *Trinity College*, *Oxon*, his Papers concerning *Ruſhworth's Collections*.[b]

Mr. *Charlet*'s Notes on *Ruſhworth*.

'WHAT Mr. Secretary's[c] Deſign was in *writing* cannot, I think, be doubted by any Man, who conſiders what his Character and Practices were in the late Rebellion, particularly in ſigning thoſe bloody Remonſtrances for putting the King to Death, and continuing Secretary to *Cromwell* after the diſbanding of *Fairfax*; to this may be added, that any of his great Admirers may be defied to produce one ſingle Paſſage, expreſſing the leaſt Remorſe or Penitence for his abetting and concurring in thoſe wicked and impious Actions: This I confeſs cannot be Matter of Wonder to any Man that has read his Works; for there, not only thro' the whole Tenor of his Diſcourſe, but, from the Epiſtle Dedicatory and Preface to his firſt Volume, it appears that his Intention

[a] This Book was tranſlated and publiſhed by Subſcription, in *Folio*, 1739, intituled, *Salmonet of Monteith's Hiſtory of the Troubles of Great-Britain*. Second Edition.

[b] This, with the two preceding Letters, were communicated to the Compilers by the Rev. Dr. *Z. Grey*.

[c] *Ruſhworth* was Secretary to *Fairfax* and *Cromwell*.

tention was to juſtify *the Army, whom he reckons worthy of double Honour*[c], and who then were guilty of as much Oppreſſion, Bloodſhed, and Tyranny, as was ever exerciſed by any Pagan inſulting Soldiers. But to put it beyond the Queſtion whoſe Intereſt he was to ſerve, *Whitlocke*, in his Memorials p. 666, records it to be undertaken by the Order of *Cromwell*, and to be allowed by himſelf, who was to furniſh the Materials; in which Reſpect he ſeems to have been deſigned Hiſtoriographer to the Protector and his Army: This being conſidered, no Cavalier or Son of the Royal Party muſt expect to find any more Juſtice from his Pen, than was found formerly from his Maſter's High-Court of Juſtice, *&c.* Any Man may eaſily gueſs the Tendency of his Books, by the Principles and Actions of his Admirers, who are unanimouſly all the Diſſenting and Republican Party; who, upon all Occaſions, appeal to them as an Apology for their paſt and future Actions; yet it cannot be denied but, thro' the Diligence of the Faction, and the Popularity of his Pretences to write without Remark or Reflection, ſeveral unthinking, otherwiſe honeſt, Perſons have been prevailed upon to give too much Credit and Countenance to Books that deſerve neither Praiſe nor Regard upon any Reſpect: For, upon Examination, it will appear that his Exactneſs is not ſuch as his great Admirers pretend, who uſually recommend him upon that Topic as infallible, and to be relied on as moſt certain.

Miſtakes in *Ruſhworth*.

1. 'Articles of the Biſhop of *Wincheſter*, upon which he makes groundleſs Reflections contrary to his Promiſe of none at all; he calls him, in the Margin, Dr. *Neal*; which is a Miſtake both as to his Name and Title, it being only Mr. *Curle*, who was then Biſhop.

2. '*Noy*'s Death is placed in the wrong Year, the Secretary giving the Reader ſeveral Speeches of his in the following Year.

3. 'The

[c] The Preface to the ſecond Volume declares the Author's Deſign to be the ſame as in the firſt, and it is evidently a Libel againſt King *Charles* the Firſt's Government, and looks like ſumming up of Evidence againſt him.

3. 'The Number of those that died of the Plague is false, if the Tables of Mr. *Graunt* are true. *Vide Graunt*'s Bills, and *Hodges de Peste*.

4. '*Hobb*'s Recantation was two Years before the Time he mentions [f]. These Mistakes, however small, yet prove him not so prodigiously exact as some represent. [g]

5. 'Composition of Fines not truly recited according to *Prynne*'s Account.

6. '*Sherfield* fined 500 *l.* [h]

'Protestation of *Irish* Bishops not in *Ann.* 1639, but 1636. Inquiry also may be made, whether his tedious Accounts made of the *Swedish* Wars, which take up some hundreds of Pages, be either useful or pertinent to his Design, having no Relation to *England*, nor any Authority for the Truth of them. Of the same Nature are most of his Star-Chamber Cases, and his many impertinent Accounts of the several Sums of Money raised by Shipwrights, and the unpardonable Monoply of Soap-Boilers, mentioned, no less than seven Times at large. If his Books were truly examined, I believe more than 500 Pages would be found altogether *superfluous*, *frivolous*, and *impertinent*, of no Use, Benefit, or Pleasure.

'But however absurdly tedious the Secretary is in communicating so many insignificant and useless Relations, he has likewise omitted many considerable Papers, as *Felton*'s Dying Speech; King *James*'s Declaration of the Causes moving him to put *Rawleigh* to Death; *Sutton*'s Hospital, *Spalatto*'s Case, Lord *Herbert*'s Account of the Siege of *Rochelle*; with several public Orders published then; the Emperor of *Morocco*'s Letter to King *Charles* the First; the Prince Elector's Manifestoes printed in *England*; Archbishop *Usher*'s Speech about Supremacy; King *James*'s Thanks, *Anno* 1622, at the same Time when the Prince went to *Spain*; with many other public Papers altogether omitted, as appears

[f] Universal Register places it two Years before 1632.

[g] *Wood*'s Antiquities give a true Account of all the Recantations, none of which are related by *Rushworth* at large, tho' so tedious in lesser Things.

[h] *Heylin*'s Life of *Cant.* p. 217, says 1000 *l.* the same by *Prynne* in his Trial of *Cant.* p. 103.

appears to any that ſhall conſult other Hiſtories of thoſe Times.

'But certainly never was Promiſe worſe kept than the Secretary's, made at large in Capital Letters, in the Title Page of his Book, That his Collections were only *Matters of Fact*, without *Obſervation* or *Remarks*[1], there ſcarce being two Pages without ſome plain Reflections, or factious Inſinuations; as, *Weſton*'s being a Papiſt, Captain *Read* a great Incendiary in *Ireland*, and generally againſt *Laud*, Judge *Berkley*, *&c.* Papiſts favoured at *Canterbury*. Repairing of St. *Paul*'s he calls *the Devotion of thoſe Times*, which indeed was different from that of his Maſter *Fairfax*, who turned the Church into Shops and Stables. Reflecting and partial.

'Reflections upon the Star Chamber in general, and Biſhop *Williams*'s Caſe in particular, whom, upon all Occaſions, he favours. Lord *Balmevir*'s Caſe falſely and maliciouſly related. *Lindſey* ſeemed a *moderate* Churchman; with many more reflecting Characters diſperſed throughout his Book.

'Declaration about Sports, cenſured as a Snare; but none more manifeſt than the Characters he gives of thoſe Gentlemen that made popular and factious Speeches in the Long Parliament, which he has huddled together without any Order. Mr. *Waller* particularly complaining, in the laſt Edition of his Poems, of his Speech being miſ-recited; ſo likewiſe the Characters of the ſeveral Managers of the Trial of the Earl of *Strafford*, which are contrary to his Promiſe of making no Reflections at all, and very partial in themſelves; ſince certainly Juſtice and Truth would have required that Mention ſhould have been made of *Hollis*'s being one of the five Members, as well as of his being created *Baron* of *Glyns*; *St. John* being Lord Chief Juſtice under *Cromwell*, as well as Serjeant under *Charles* the Second, *&c.* Upon the whole, he has very pleaſantly given all the advantageous Characters to recommend their Speeches to be believed, and omitted every Thing that

[1] A great Part of *Ruſhworth* is *verbatim* taken out of *Canterbury*'s Doom, written by *Prynne*.

that may leſſen the Credit of them, as of *Whitlocke*, *Hampden*, *St. John*, *&c.* [l]

'Preface to *Strafford*'s Trial, he calls it a moſt *deliberate and ſolemn Trial*; whereas the Act of Parliament, at the End, terms all the Proceedings *tumultuous and irregular*. Excuſes the *Rabble*, as being neither inſolent nor terrible [m]; herein, contrary to all the Accounts of thoſe Times, the King's Reflection upon the Murder of *Strafford*, and the Words of the Act of Parliament in reverſing of it.

'The Paper poſted up of *Straffordians* is a Trick of one of the *King's Party*, as he words it himſelf. The enacting the Trial to be no Precedent, is inſinuated as a vulgar Error.

'Reflection upon the Preface to the *Oxford* Statutes, falſe, malicious, and diſingenuous, as alſo very imperfect, no Notice being taken of the great Care, Pains, and Deliberation in the compiling; its being expoſed to public View a whole Year, before it was ratified either by the King or Univerſity, *(vide Wood*'s Antiquities of the Univerſity of *Oxford)* nor any Notice taken of the many Statutes providing the moſt effectual Means for ſecuring the Proteſtant Religion in the Univerſity; as all Members, at their Entrance and taking Degrees, ſubſcribe to the Thirty-nine Articles, and take the Oaths of Allegiance and Supremacy, *&c.*

'Beſides the palpable and manifeſt Falſity of King *James*'s Speech, incomparably detected by Dr. *Nalſon*, both the *Latin* Sentences are not critically given; which cannot eaſily be imagined to come from the Mouth of one reproached, even to a Fault, for a Grammarian and a Scholar.

'His Recital of the ſeveral Recantations, *Hodges*, *Thorne*, *&c.* for preaching againſt Arminianiſm, not fairly related; beſides *Rainsford*, for preaching againſt the Calviniſts [n], totally omitted; of which he could not be ignorant, ſince he quotes the Regiſter of the Univerſity;

[l] Theſe Inſtances ſeem partly to deſerve a Cenſure at large. *Vide Ruſhworth*, Part of the latter End of the Second Volume, and Beginning of *Strafford*'s Trial.

[m] *Ruſhworth*'s Trial of *Strafford*, p. 42.

[n] *Vide Wood*'s Antiquities, and *Heylin*'s Life of *Laud*.

Univerſity; but his Reaſon for omitting it is very plain, ſince that would have diſcovered the Reaſon of the Puniſhment to have been not for preaching *againſt Arminianiſm*, but the *King's Proclamation.*

'Mr. *Ruſhworth* complains much of the Intermiſſion of Parliaments for twelve Years, and the Miſeries attending it; it may partly be expected he will give a full Account of the Felicities attending the Seſſion of twelve Years next enſuing, likewiſe of the Correſpondence betwixt the *Scots* and *Engliſh*; the Intrigues of the Army (which he boaſts to be well verſed in) in diſpoſing of the Commons, murdering the King, and ſubverting the Government. If he would give a true Account of thoſe Actions, he might poſſibly oblige Poſterity more than the Faction.

'As the Papiſts did in Queen *Mary*'s Reign, the ſame did the Fanatics in the late Rebellion, Mr. *Prynne* having torn out of the public Regiſter of the Univerſity three whole Folio Pages, containing an Account of his Expulſion from thence; which, tho' ſeen, no Mention is made of it by Mr. *Ruſhworth.*

'The Accounts of the Trials of *Chancy*, *Sheffield*, *Troffees*, maliciouſly repreſented, very different from the Accounts given by Dr. *Heylin.*[r] Groſs Reflection upon the *Scots* Liturgy, as favouring Tranſubſtantiation, *&c. &c.*

In

[r] *Vide Laud*'s Trial. 'Tis ſaid a large Manuſcript Narrative of theſe Trials is at *Lambeth*, which, if ſo, muſt needs give great Light to many public Paſſages.

In the Preface to the ninth Volume of this Hiſtory we mention Dr. *Nalſon's Hiſtorical Collections*, which we there ſay are not carried down lower than *January* 1641. The Author was prevented from purſuing his Deſign by Death; but what his Intentions were, in going on with his Work, we have met with in a Plan laid down by himſelf, in a MS. Collection of original Letters and other Papers. It is in the Doctor's own Hand-Writing, and ſeems to be a rough Draught of a Letter addreſs'd to ſome Friend, not there named; but is, however, worthy of a Place in this Appendix, together with a Sketch of a Deſign for engraving a Plate intended as a Frontiſpiece to the Doctor's next Volume.

SIR,

Dr. *Nalſon's* Scheme for writing his next Volume.

'I Do intend, in my next Tome, to treat of the four Years Civil War, (if ſo fair a Name may be given to ſo foul a Rebellion, againſt ſo pious a Prince as was King *Charles* the Firſt) in purſuance of which I deſire your Favour and Friendſhip to me, to bring me to wait upon the Earl of *Macclesfield*[a], who is the ſurviving General Officer of his Majeſty's Party, and was Lieutenant-General of all the Horſe of *England*; by whoſe Help I may give Directions for the drawing up of the moſt deciſive Battles, which I will have printed of the beſt Copper-Plates that can be in this Town engraven.

'As I ſhall take Care to premiſe the Reaſon why that good King did paſs that Act of Parliament, which diveſted his Majeſty of the Power of diſſolving the two Houſes; why he left *London*, and what can fairly be made out of the Plot, which the two Houſes then had, of ſeizing into their Hands the Prince of *Wales*, which was the principal Motive of the King's going away with him; *Hotham*'s inſolent refuſing the King Entrance into *Hull*, anſwering, That he held that Town for the Parliament, which was flat Rebellion, and carried the Nature of the firſt Act of Hoſtility, be-

[a] This Earl of *Macclesfield* was *Charles* Lord *Gerard*, created Earl, 31 *Charles* II. 1679.

before the King ſet up his Standard; of the Earl of *Eſſex*'s firing ſeveral Pieces of Cannon at *Edge-Hill*, before the King's Army made any Shot either great or ſmall, which will make him the Aggreſſor in that fatal Story: So I labour alſo to be fully ſatisfied from whence the Miſcarriages of the King's Army did ariſe. On one Hand the Soldiers do blame the Counſels of thoſe great Men who then ſat at the Helm of public Affairs, who were not ſkilful enough to direct the Management of ſo great a War; that their Orders in the firſt *Newbury* Fight, occaſioned by *Eſſex*'s relieving *Glouceſter*; in the Battle of *Marſton* Moor, after Prince *Rupert* had raiſed the Siege of *York*; of *Naſeby*, when *Oxford* was block'd up; of *Cheſter*, to the Relief of which the King went in Perſon, were contrary to the Judgment of the Soldiers. Alſo that the Commiſſioners had full Power, in the reſpective Counties and Provinces all over *England*, to control the Soldiers, and to give them Rules for their Conduct of the War, leaving them no other Power than what the Opinion or Vote of a Governor of a City Colonel, or General of a Province, againſt ten or a Dozen Commiſſioners, might amount unto, whoſe Principle was the ſaving of their reſpective Towns and Counties; alledging, That if every Province would take the ſame Care, the whole Kingdom would be ſecured; whereas the Soldiers Counſel was, the making them only Nurſeries for the furniſhing out of Troops to oppoſe thoſe Armies, which every Campaign was ſent out of *London* againſt the King. On the other Hand, there are great Faults charged upon the Soldiers Debauchery, Negligence, Raſhneſs, and chiefly that moſt unhappy Defection at *Newark*, as if that was the fatal, irreparable Blow to the King; concerning which I am informed that his Majeſty's Force was not leſſened one ſingle Man, other than by the Loſs of 1500 Horſe, the better Half of which was then left to the King, which, upon that Occaſion, the Earl of *Briſtol*, Principal Secretary of State, did lead away from *Newark*, on Pretence of fetching the Infantry of the valiant Marquis of *Montroſe*, out of the High-

lands

lands in *Scotland*, utterly againſt the Opinion and Counſel of the Soldiers, who declared to the King the Impoſſibility of the Undertaking, as it proved by their Defeat, and ſo total a Rout, that not one Troop of them ever rallied again, the Earl of *Briſtol* eſcaping into *Ireland*, and never ſeen more during the War; Prince *Rupert* continuing obediently with his Majeſty at *Oxford*, and making moſt advantageous Conditions for his Majeſty's Privy Counſellors, in the Surrender of that City.

'Sir, altho' I would not be ſo troubleſome to my Lord of *Macclesfield* as to inquire into every little Engagement, tho' there was great Valour ſhewed in the leaſt of them, and worthy and brave Men both of the Nobility and Gentry engaged, whoſe Names, in Juſtice, ought to be left down to Poſterity, yet I would be exact, beyond Control, in the general Point of the War, and the Events of the four Campaigns; and I will ſo far burden you with the Length of this Paper, as to let you ſee I am Maſter of the whole Deſign.

Auguſt, 1642. 'The King ſet up his Standard at *Nottingham*, calling all his loyal Subjects to his Aſſiſtance, and from thence marched to *Shrewſbury*, where he raiſed that Army with which he fought *Eſſex* at *Edge-Hill*. After his Victory, there obtained, he marched from thence to *Oxford*, leaving the Earl of *Macclesfield* Governor, who had been wounded at *Edge-Hill*. In that Battle he commanded a Terze of the Infantry; his Majeſty marched towards *London*, the Citizens meeting him at *Brandford* to interrupt his March, forced him to retreat back to *Oxford*, which he fortified, and made his Winter-Quarters. All the Summer after the ſetting up the Standard, Levies had been making throughout the Kingdom by the Duke of *Newcaſtle*, Earl of *Derby*, &c. on the North Side of *Trent*, by Commiſſions of Array for the King againſt *Fairfax* and others, who acted by Ordinances of Parliament; and, in the Weſt, by the Marquis of *Hertford*, Lord *Hopton*, *Greenville*, *Strangways*, *Dorrington*, *Stowel*, &c. againſt the Earl of *Stamford*, Earl of *Bedford*, *Waller*, *Haſilrigge*, *Holles*, &c. ſo

ſo were both Parties very active, all the Winter, in raiſing Regiments and Troops, and forming their Armies againſt the next Campaign; with this Diſadvantage to the King, that the populous and rich City of *London*, and the ten adjacent Counties, *Huntingdon*, *Cambridge*, *Norfolk*, *Suffolk*, *Eſſex*, *Kent*, *Surrey*, *Middleſex*, *Hertford*, and *Bedford*, were aſſociated entirely for the two Houſes againſt him.

'The King was very ſucceſsful; the Duke of *Newcaſtle* had beaten *Fairfax*, leaving him only ſeventeen broken Troops of Horſe, into *Hull*; the Weſt was reduced to his Obedience, except *Briſtol*, *Glouceſter*, *Plymouth*, and two or three Sea-port Towns; the Queen was landed at *Bridlington*, out of *Holland*, with great Stores of Cannon and Arms both for Horſe and Foot; a conſiderable Sum of Money was conveyed from thence, with a very compleat Army, well appointed, tho' but ſmall, and a very great Train and Quantity of Ammunition, proportionable for the Supply of his Majeſty's Armies and Garriſon, to *Edge-Hill*, where the King moſt joyfully met her; of which Army the Earl of *Macclesfield* was Lieutenant-General, and ſo recommended by the Queen to his Majeſty, that he was thereupon put into the Head of a Brigade of Horſe, to which he immediately marched, and joined his Brigade to other Troops of the King's Army, to beſiege the City of *Briſtol*, which Prince *Rupert* took, in entering the Line, by Aſſault; upon which the Rebels treated, and gave up the Town. 1643.

'Whereupon it was diſcourſed as if his Majeſty would a ſecond Time march to *London*, and appoint the Duke of *Newcaſtle* to meet him there, whoſe Army had already paſſed the *Trent*, and was advanced as far as *Lincoln*, the Rebels having no Army in the Field, either in the North or Weſt of *England*; when, on a ſudden, new Counſels were taken, the King ſat down before *Glouceſter*, and the Duke of *Newcaſtle* repaſſed the *Trent* and beſieged *Hull*; which two Sieges were very fatal to the King.

'For the Rebels putting great Streſs upon the Relief of *Glouceſter*, ſet out a ſtout Army under the

Command of *Eſſex*, inforced with great Numbers of the Citizens of *London*, who fought with his Majeſty the firſt Battle of *Newbury*, in which the Earl of *Macclesfield* had a great Share both of Honour and of Danger; in the Interim the Earl of *Manchester*, General of the Aſſociate Counties, and *Cromwell*, his Lieutenant-General, made all the Strength they poſſibly could towards the raiſing of the Siege of *Hull*; the Duke of *Newcaſtle*, to prevent it, ſent 3000 Horſe towards *Boſton*, and about 1000 Dragoons to meet *Manchester*, and to hinder his Conjunction with *Fairfax*, who endeavoured to put over the *Humber* what Men he could ſpare to join *Manchester*; the Duke's Army of Horſe being defeated by *Manchester*, and great Rains falling about the Beginning of *October*, made it impoſſible to continue the Siege in thoſe low Fenny Grounds; ſo the Duke raiſed the Siege, which ended the ſecond Campaign.

'Notorious enough it is that the two Sieges, of *Hull* in the North, and of *Glouceſter* in the Weſt, gave the Rebels Time to recruit, or indeed rather to raiſe new Armies; but where to lay the Blame is very hard; may be the preſent King may have known ſomething from his Father, or from the Earl of *Clarendon*, Prince *Rupert*, the now Duke of *Newcaſtle*, from his Father; the Earl of *St. Albans* and the Earl of *Macclesfield* may know the Reaſon of State; but from the Officers of the Army, who were in lower Stations, all was concealed: But ſince thoſe Men who rarely ventured their Lives in this Quarrel, and the Neuters of *England*, who ſat by their Fire-ſides, have taken upon them to ſay, That if the King, after the Battle of *Edge-Hill* (tho' that Victory was diſputed) had directly marched to *London*, before *Eſſex*'s Army could have got thither, he had been received by the *Londoners*. It will ſure be worth the Inquiry, why the ſame Fault ſhould be committed twice, there being at that Time in both the King's Armies 10,000 effective Horſe, and 30,000 Foot marching, and not one Army of the Rebels appearing.

'***

'*** was with the King when he ſat down before *Glouceſter*, and he ſays that the Diſcourſe amongſt the Soldiers was, That his Majeſty's Council were not willing that there ſhould be an entire Conqueſt; but rather that the King ſhould return to *London*, upon Treaty, than with his drawn Sword; that Prince *Rupert* was too big, and that the Law and Parliament would be over-ruled by the General.

'*** went from the Siege of *Glouceſter* before it was raiſed by *Eſſex*, to the Siege of *Hull*, and was in the Action where *Manchester* and *Cromwell* beat the Duke of *Newcaſtle*'s Horſe, and advanced to raiſe him from before *Hull*; and the Soldiers there inquiring into the Reaſon of his Excellency's Return from *Lincoln* to go Northward, and not marching into the Aſſociate Counties, were anſwered, That he had engaged himſelf to the Northern Gentlemen, upon their giving him 12,000 *l. per* Month for his Army; that he would never leave an Enemy in their Country, ſo as that *Fairfax*, beginning to ſtir ſo ſoon as the Duke had paſſed the *Trent*, he thought himſelf bound by his Promiſe to return into *Yorkſhire*, and to keep *Fairfax* in *Hull*; that that good and pious King did love Peace, may appear by the Treaty of *Uxbridge*, to which may be added, that the Night before he ſet up his Standard at *Nottingham*, it was very doubtful whether he would not chuſe rather to return to *London*.

'His Majeſty, uneaſy in his Affairs, like a ſick Man who turns from one Side to another to find Repoſe, reſolves upon great Changes, appoints a Council to attend the Prince of *Wales*, of which the Earl of *Clarendon* was moſtly in Credit, and ſends him from his Side into the *Weſt*; ſends for his Army out of *Ireland* to aſſiſt him at home; acquaints Prince *Rupert* that now, ſince his Loſs of the Battle at *York*, he was ungrateful to his good Subjects, and therefore muſt retire (his Highneſs chuſing *Briſtol*, where he was in no Command, and under no other Character than of his Nephew); removed Prince *Morris* from his Government at *Worceſter*; diſplaced *Legge*, and made a new Governor of *Oxford*; would rely no more 1645.

upon Sir *Richard Byron*, who had commanded at *Newark* when it was beſieged, and, by the Importunity of the Commiſſioners of *South-Wales*, brought from thence the Earl of *Macclesfield*, who did undertake to raiſe 10,000 Foot there to recruit his Army, truſting rather to the Commiſſioners' Promiſe that they would do it themſelves under my Lord *Aſtley*, of which they failed, and very ill treated my Lord *Aſtley*, the General of their own chuſing.

'The Queen went into *France*, (it may be for no other Reaſon than to get more Arms and Money for the King's Supply) and his Majeſty, with a flying Army of Horſe, ſwept Part of the Aſſociate Counties, and thence went to *Hereford*, where he receives the News of Prince *Rupert*'s giving up the Town of *Briſtol*, and thence marched to relieve *Cheſter*, where *Barnard* Earl of *Litchfield*, the youngeſt Brother of the Duke of *Richmond*, and Captain of the Guards, was ſlain, who ought not to be forgotten.

'The King had there about 4000 Horſe, commanded by the Earl of *Macclesfield*, Lieutenant-General; and now half the Army were the Remains of the Northern Horſe, in Lord *Langdale*'s Brigade, who alſo was made General of the Horſe, and was with the Army in their Quarters, two Miles from *Cheſter*; the Lieutenant-General with his own Troop, and Earl of *Litchfield* with the King's Troop, both making 600 Horſe, all Gentlemen and their Servants, and old Lord *Aſtley*, were in Town about the King's Perſon; Lord *John Byron*, then the Governor and General of *North-Wales*. *Booth* commanded the Foot which beſieged the Town, (Uncle, I think, to this Lord *Delamar*) who was well and ſafely poſted in the Suburbs, and ſtirred not upon the King's Approach. The Rebels Horſe, who waited on the Motions of the King, was commanded by *Poynes* and *Graves*, (the latter afterwards came into the King's Service) and had as big an Army of Horſe as the King, and not ſo much harraſſed, the Men more in Heart, and very ſkilfully lead, *Peynes* being a very cunning Captain, and *Graves* very brave. The King had marched in Sight of *Poynes* ſix or ſeven Days

Days before his Majeſty entered *Cheſter*, quartered near him every Night, and well knew his Strength: One may gueſs that the Rebels would not offer firſt to fight, becauſe their Buſineſs was to cover *Booth*, while he vigorouſly attacked the City; and his Majeſty had great Cauſe to keep and preſerve, and (as little as may be) hazard his Army, it being the only Body of Horſe which was left; yet the Lieutenant-General marched ſo warily in thoſe cloſe Countries where they were, that he would not have refuſed *Poynes*, becauſe he always fenced ſo as that the Troops of Guards ſhould firſt receive the Shock, which would not have given Way to the Enemy; but ſo Matters were ordered, as that the Lord *Langdale*, without the Knowledge of the Lieutenant-General, and without the Aſſiſtance of the Guards, about two Days after the King was in *Cheſter*, did receive Orders from the Earl of *Briſtol*, Principal Secretary of State, to engage with *Poynes*; which Orders he obeyed, and was beat in the King's Sight; the Lieutenant-General and Earl of *Litchfield*, with their Troops, and old Lord *Aſtley*, with ſome Foot, haſted out of the Town to their Succour; but came ſo late as that they were ſurrounded by the Enemy. Lord *Aſtley* ſeeing the Danger, did timely retreat, and ſaved his Foot; the Lieutenant-General, with his Troop of about 200, charged thro' 11 of the Enemy's Standards of Horſe, the Length of a ſtrait Lane, and beat them, and ſaved himſelf and nine Parts of ten of his Men. The Guards did the ſame in another Place, but loſt their Captain.

'The King was forced to leave *Cheſter* beſieged, marched into *North-Wales* with his Horſe to amuſe *Poynes*, and ſo came about to *Newark*; ſoon after Prince *Rupert* came to *Belvoir* Caſtle, within ten Miles, and ſent moſt humbly to ſupplicate his Majeſty that he would ſee him, and hear his Defence concerning what happened at *Briſtol*; to which the King ſeeming to incline, the Earl of *Briſtol* prevailed for Leave to go into the Highlands of *Scotland*, and drew with him half of the Horſe which he loſt in the Way; but the Soldiers Council was againſt it,

adviſing the King to quit all his Garriſons, even *Newark* where he was, and *Worceſter* and *Oxford* as he went along, whereby they propoſed he might have an Army of Horſe, Foot, and Artillery, better than any one Army he had ever fought withall, and ſo to take the Chance of a Battle for his Crown, rather than any where to abide a Siege; they did prove ignorant but loyal Men, not foreſeeing that any Man durſt be ſo hardy as to adviſe his going to the *Scots*.'

A Deſign for a Copper-plate Print.

'THE Landſkip of *England*, *Scotland*, and *Ireland*, with Battles, Sieges, and Deſolations, Ruins of Houſes and Churches, more particularly the Battle of *Naſeby* ſhould be done more at large. There is a Cut of it in *Sprigg*'s *Hiſtory of the Wars*: A ſtormy Sky with Lightning, eſpecially from the *North*. In a Square at the Bottom, from the Body of the Dragon, let there riſe ſeven Heads, ſtanding upon the Necks of Serpents erected; let the Heads have the Faces of Men, with Stings proceeding out of their Mouths, and Perriwigs of leſſer Snakes about their Ears, in ſhort Curls. Let the Order be this;

1. 'A Jeſuit, with the Cap of his Order, and about it written *Divide et Dirue*.

2. 'A Preſbyterian; if you can get *Knox*'s Picture, like him, with a black Cap turned up with white, and over it a *Scots* Bonnet, with Labels hanging down from it, and in them written, *Directory and Covenant*.

3. 'An Independent, with a Cathedral reverſed hanging over his Head inſtead of a Hat, and upon it written, *Independency*.

4. '*Oliver Cromwell*, whoſe Deſcription hereafter.

5. 'An Anabaptiſt, the Picture of *Jack* of *Leyden*, which you may have in *Pagit*'s *Hereſiography*, from the Top of his Crown an Eſcrol, with *Munſter*'s *Reformation* written in it.

6. 'A Quaker, with a Pair of Shoes on his Head inſtead of a Hat, made up like a Cap of Maintenance; a Feather in it, upon which let be written, *The New Light*.

7. 'A Fifth Monarchiſt; *Venner*'s Head, with a Morion on, as in *Pagit*'s *Hereſiography*, p. 280, a

Flag

Flag on the Top of his Helmet, with this Inſcription, *The Saints muſt reign.* Let *Oliver*'s Head, ſtanding in the Middle, be elevated above the reſt, a Crown hanging over it, held by a flying Devil; about his Neck a Rope, which muſt go on each Side, and wrap about the ſeveral Necks, and ſo back again to *Noll*'s; where let it be tied with a little Scarf, in which theſe Words, *Funis coronat Opus.* Let the Snakes, from the ſeveral Heads, be twiſted one with another.

'The Body of the Dragon muſt be a little elevated in the Poſture of Combat; upon his Back the Sculpture of the Commons' Houſe, tied on after the Manner of a Caſtle upon an Elephant; upon the Girths write, *Proteſtant Covenant*; upon the Houſe three Traitors Heads with this Inſcription, *Et extra et intra.* Out of the Side of the Dragon muſt iſſue armed Men, as out of the Horſe of *Troy*; in the Curls of his Tail a Church muſt be wrapped, and tumbling down. He muſt have four Feet; upon the two hindermoſt he muſt ſtand in the Poſture of a gentle Elevation, and under thoſe Feet let the Earl of *Strafford* and the Archbiſhop of *Canterbury* be laid headleſs; the Coronet of the Earl with the Bottom upwards, the Croſier broken by the Archbiſhop's Side, and his Mitre at his Feet, the Leaves of the Common Prayer torn about. Let the two fore Feet of the Dragon be like a Griffin's Claws, let him clap one of them upon the Crown Imperial, as tearing it from the King's Head, whoſe Sculpture muſt ſtand before him in his Regal Robes, and with the other Claw let him ſeize the Sceptre in the King's Hand, which muſt appear broken in ſtriving for it. From the Wings of the Dragon muſt proceed two human Arms and Hands, in one of which muſt be a Banner diſplayed, with this Motto, *For Defence of true Proteſtant Religion, Liberty, and Privileges of Parliament*; in the other, a brandiſhed Sword, with theſe Words, *Magna Charta Reformata*, and the *Magna Charta* torn in three or four Pieces, and ſtrow'd about; in ſome leſſer Squares, ſeveral Executions, as Shooting to Death at *Colcheſter*, Beheading at

Tower-

Tower-Hill, Hanging, as at *London*, *Briſtol*, *&c.* more eſpecially the Murder of the King before *Whitehall*, *London* in Chains drawn about it and over it. The Royal Oak, Sectaries lopping off Arms of Prerogative, a Jeſuit and a Fanatic ſawing at the Root. Towards the Eaſt a Sun riſing; the Royal Navy re-conducting his Majeſty King *Charles* II. The King on Horſeback in compleat Armour, his Head only bare; before him let the Dragon lie extended, without the Parliament Houſe, upon his Back; *Oliver*'s Head off, and the reſt hanging down in the Duſt as dying; an Angel deſcending with an Imperial Crown, and a Beam from Heaven ſhining upon the King, in which let it be written, *Cælo Salus*; upon the King's Shield, *Amneſtia*; and the Cavalcade at his coming in.'

REMEMBRANCES *for Order and Decency to be kept in the Houſe of Lords, when his Majeſty is not there, leaving the Solemnities belonging to his Majeſty's Coming to be marſhalled by thoſe Lords to whom it properly appertains.*

The Sitting of the Lords.

'FIRST, therefore, the Lords are to ſit in the ſame Order as is preſcribed by the Act of Parliament, and as they do at his Majeſty's being there; except that the Lord-Chancellor ſitteth on the Wool-ſack as Speaker to the Houſe, and the Lord-Treaſurer upon the Earls' Bench.

Speaker.

'The Lord-Chancellor, when he ſpeaketh to the Houſe, is always to be uncovered: He is not to adjourn the Houſe, or do any Thing as the Mouth of the Houſe, without the Conſent of the Lords firſt had; except the ordinary Things about Bills, as for preferring one Bill before another, and ſuch-like; and, in Caſe of Difference amongſt the Lords, it is to be put to the Lord Chancellor; and if the Lord Chancellor will ſpeak to any Thing particularly, he is to go to his own Place as a Peer.

Bills.

Lord-Chancellor as a Peer.

Judges.

'The Judges, and ſuch of the King's Privy Council as are called by the Writ to attend, ſitting by,

by, are not to be covered untill the Lords give them Leave, which they ordinarily ſignify by the Lord-Chancellor; and they being there appointed to attend the Houſe, are not to ſpeak or deliver any Opinion untill it be required, and they be admitted ſo to do by the major Part of the Houſe, in Caſe of Difference.

King's Counſel.

'The learned Counſel are likewiſe to attend on the Woolſacks, but are never covered.

Aſſiſtants.

'Thoſe of his Majeſty's Privy Council, who are called by his Majeſty's Writ, as the Judges are, are to be uſed with the ſame Reſpect the Judges are, which is not to be covered untill they ſhall be admitted ſo to do by the Houſe.

Beginning of Parliament.

'The firſt Thing commonly, either at the Beginning of a Parliament, or of a Seſſion, (after Prayers ſaid) is that ſome Bill, *pro Forma*, is read, and then a Committee to be choſen out of the Houſe, which ſhall ſtand all that Seſſion to review the Orders of the Houſe, and take Conſideration of the Privileges of the Peers of the Kingdom, Lords of Parliament, and ſee, from Time to Time, that they be duly obſerved.

Committee for Privileges.

Oath of Allegiance.

'After that they fall to adminiſter the Oath of Allegiance to ſuch Noblemen as have not ſat in the Houſe before, and have not taken the ſame Oath before in the Houſe.

Proceedings on Bills.

'The Bills are commonly let paſs at the firſt Reading, and to be committed upon Motion at the ſecond Reading.

Not to ſpeak twice to any Matter, without Leave.

'No Perſon is to ſpeak twice to any Bill at one Time of reading of it, or any other Propoſition, unleſs it be to explain himſelf in ſome material Point of his Speech, but no new Matter, and that not without Leave of the Houſe firſt obtained. Every Man ſpeaks ſtanding and uncovered, and names not the Members of the Houſe commonly by their Names, but the Lord that ſpoke laſt, laſt but one, laſt but two, or ſome other Note of their Speech.

Votes.

'At Votes, the loweſt, after the Lord-Chancellor hath put the Queſtion, begins firſt, and every Man, in his Turn, riſes uncovered, and only ſays, *Content*, or *Not-content*.

'The

Calling the House. ‘ The first or second Day the House is called, and Notice taken of such Lords as either have not sent their Proxies, or are not excused by his Majesty for some Time.

Poor-Box. ‘ Every Lord that comes after Prayers, if a Baron or a Bishop, is to pay 1 *s.* if above that Degree, 2 *s.*

Absent Lords. ‘ For Absence he is to pay nothing, but to make his Excuse by any Member of the House; which, if it be allowed as just, he is excused; if not, he is to be blamed by the House as the Fault requires. This to be understood to be after the general Meeting of the House upon the Writs, and the House set.

Peers' House. ‘ Before the House sits, so much Respect is to be had to that Room, as none but Members of the House ought to be covered there; not so much as the eldest Son of any Peer whatsoever, unless he be called by Writ.

No private Person to stay in the House. ‘ Neither is any other Person to stay there, or any Attendant of any Nobleman, but while he brings in his Lord, and then he is to retire.

House sitting. ‘ When the House is sitting, every Lord that shall enter is to give and receive Salutations from the rest, and not to sit down in his Place, unless he hath made an Obeysance to the Cloth of State.

Adjournment by Writ. ‘ At the Beginning of a Parliament, before it be met, if the Day be adjourned it is done by Writ, which is directed to both the Houses; and, in that Case, the Lower House is to be called in, and stand uncovered below the Bar, but not before the Lords be all set; who sitting, and being uncovered, the Lord-Chancellor uses some Words unto them, to let them know the Cause of their Meeting, which he doth uncovered, in respect he speaks to both Houses; and, after the Writ read, he adjourns the Court.

Adjournment by Commission. ‘ If it be an Adjournment of a Session only, it is done by Commission unto some of the Lords of the Upper House, in which Case the Lower House are present, and the Commission is to be sent down to the House of Commons upon such Adjournment, with Signification of the Adjournment performed by the Lords accordingly.

‘ To

'To have more Freedom of Speech, and that Arguments may be uſed *pro & contra*, Committees are appointed, (ſometimes for Bills, to facilitate and agree of great Buſineſſes) either of the whole Houſe, or of Particulars. Committees of the whole Houſe ſometimes ſit in the Houſe; but then the Lord-Chancellor ſits not on the Woolſack as a Speaker. Committee of the Houſe.

'If they be of ſmall Numbers, commonly they meet in the little Room, or in the Painted Chamber, as the Lords pleaſe. Any of the Lords of the Committee ſpeak to the reſt uncovered, but may ſit ſtill if he pleaſes. Committees out of the Houſe.

'The Committees are to be attended by ſuch Judges or learned Counſel as are appointed. They are not to ſit there, or be covered, unleſs it be out of Favour; or, for Infirmity, ſome Judges ſometimes hath a Stool ſet behind, but never cover; and the reſt never ſit nor cover. The Lord-Chancellor, *J. Popham*, did often attend Committees; and though he was Chief Juſtice, Privy Counſellor, and infirm, yet would he very hardly ever be perſuaded to ſit; ſaying, It was his Duty to ſtand and attend; and deſired the Lords to keep thoſe Forms which were their Due. Judges to attend Committees.

'The meeting of the Lords with any of the Lower Houſe, is either upon Occaſions of Meſſages which they ſend up to the Lords, or upon Conferences. When they come up to them the Manner is thus: After the Lords have Notice given them by the Uſher, that the Houſe of Commons have ſent to the Lords, they attend till the Buſineſs upon which the Houſe is, is ended; and then, the Lords ſitting all covered, the Commons are ſent for in, and ſtand at the loweſt End of the Room; then the Lord-Chancellor, with ſuch as pleaſe, riſeth and go down to the Middle of the Bar; then the Chief of the Commons in the Midſt, and the reſt about him, come up to the Bar with three Obeyſances, and deliver the Meſſage to him; who, after he has received it, retires to his former Place; and, the Houſe being cleared and ſettled, he reports it to the Lords, who do help his Memory, if in any Thing he be miſtaken; and after The Manner of Meſſages and Conferences with the Houſe of Commons.

after the Lords have taken Reſolution, if the Buſineſs require any Anſwer, they are either called in, and approaching to the Bar with three Obeyſances, as before, the Houſe ſitting in Order and covered as before, the Lord-Chancellor, ſitting upon the Woolſack covered, doth give them their Anſwer in the Name of the Houſe; or elſe, if the Reſolution be not ſo ſpeedy, the Lords ſend them Word by the Uſher, they ſhall not need to ſtay for the Anſwer, but will ſend it by ſome expreſs Meſſenger of their own.

Meſſengers to the Houſe of Commons.

'The Lords never ſend to the Lower Houſe by any Members of their own Houſe, but either by ſome of the learned Counſel, Maſter of Chancery, or ſuch-like which attend the Lords, and in weighty Caſes ſome of the Judges; nor are the Commons ever to employ, unto the Lords, any but of their own Body.

Conference with the Commons.

'The Place of Conference is uſually the Painted Chamber, where the Commons are uſually before the Lords come, and are to expect their Lordſhips Leiſure. The Lords come in in a whole Body, and not ſome Lords ſcattering before the reſt, which both takes from the Gravity of the Lords, and prevents the Places; but they are not, at any Committee or Conference, ever to be covered, or ſit down, in the Preſence of the Lords, unleſs it be ſome infirm Perſon, and that by Connivance, in a Corner out of Sight; to ſit, but not to be covered.

The Commons ſit not, or are covered.

Committee of Lords.

'At the Committee of Lords any Member of their Houſe, though not of the Committee, is not excluded from coming in and ſpeaking, but he muſt not vote; alſo he ſhall give Place to all that are of the Committee, though of a lower Degree, and ſhall ſit behind them. The ſame Order is alſo obſerved at a Conference with the Commons.

Conference.

'None are to ſpeak at a Conference with the Commons, but thoſe of the Committee.

Reports.

'When any thing that hath been committed is reported, all the Lords of the Committee ſtand up.

No Stranger to be at a Conference or Committee.

'No Man is to enter either when the Houſe ſits, or at any Committee or Conference, unleſs it be [illegible]

ſuch as are commanded to attend, but ſuch as are Members of the Houſe, upon Pain of being puniſh'd ſeverely, and with Example to others.

'The Lords are to keep their Dignity and Order in ſitting as much as may be, and not remove out of their Places without juſt Cauſe, to the Hinderance of others that ſit near them, and Diſorder of the Houſe; but when they muſt needs go croſs the Houſe, they are to make Obeyſance to the Cloth of State. To keep Order in the Houſe.

'When any Lords ſpeak, they addreſs their Speech to the reſt of the Lords in general. Speaking in the Houſe.

'If there be any Difference in the Form or Style of Writs from the antient, it is to be examined how it comes, and a ſtrict Courſe for puniſhing the Time paſt, and future Amendment. Writs miſtaken.

'It would be reſolved what Privilege Noblemen and Peers have; betwixt which this Difference is to be obſerved, that Biſhops are Lords only of Parliament, but not Peers; for they are not of Trial by Nobility, but Lords of Parliament. Having Privilege for their Servants from Arreſts, it is to be known for what Time before and after the Seſſion, as likewiſe whether it reach to any but menial Servants. Biſhops Lords, but not Peers. Freedom from Arreſts.

'To prevent Miſunderſtanding, and for avoiding of offenſive Speeches when Matters be debated either in the Houſe or at Committees, it is for Honour's Sake thought fit, and to be ordered, that all perſonal, ſharp, or taxing Speeches be forborne; and whoſoever anſwereth another Man's Speech, ſhall apply his Anſwer to the Matter, without Wrong to the Perſon. And as nothing offenſive is to be ſpoken, ſo nothing is to be ill taken, if the Party that ſpeaks ſhall preſently make a fair Expoſition or clear Denial of the Words that might bear any ill Conſtruction; and if any Offence is given in that Kind, the Houſe itſelf will be very ſenſible thereof, and ſharply cenſure the Offender, and give the Party offended a fit Reparation and full Satisfaction. Aſperity of Speech.

'The Clerk is to enter no Order untill the Lord-Keeper or Chancellor firſt demand the Aſſent of the Houſe; and the Clerk is to read every Order Orders to be read.

firſt

firſt in the Houſe before it be entered. *Vide* Parliament *Dec.* 14, 1621; *Feb.* 22, 1623; *May* 20, 1626.

Fines, *April* 3, 1624.

'Whereas the High Court of the Upper Houſe of Parliament do often find Cauſe in their Judicature to impoſe Fines, among other Puniſhments, upon Offenders, for the good Example of Juſtice; and, to deter others from the like Offences, it is ordered and declared, That, at the leaſt, once before the End of every Seſſion, the Committee for the Orders and Privileges of the Lords' Houſe of Parliament do acquaint the Lords with all the Fines that have been laid that Seſſion; that thereupon their Lordſhips may uſe that Power, which they juſtly have, to take off or mitigate ſuch Fines, either wholly or in Part, according to the Meaſure of the Penitence or Ability of the Offender; or ſuffer all to ſtand, as in Equity their Lordſhips ſhall find fit: And that, untill every Seſſion be ended, no Eſtreat is to be made of ſuch Fines ſet or impoſed by Parliament; nor any Copy thereof to be made by the Clerk, without ſpecial Order, upon public Motion in full Houſe.

For Trial of ſuch as ſhall be brought before the Lords Judicature.

'As this Court is the higheſt, from whence others ought to draw their Light, ſo the Proceedings thereof ſhould be moſt clear and equal, as well on the one Side as the other, in finding out Offences where there is juſt Ground, and in affording all juſt Means of Defence to ſuch as ſhall be queſtioned; therefore, in all Caſes of Moment, the Defendant ſhall have Copies of all Depoſitions *pro et contra*, after Publication, a convenient Time before the Hearing, to prepare themſelves; and alſo, if the Defendant ſhall demand it of the Houſe in due Time, they ſhall have their learned Counſel to aſſiſt them in their Defence. Whether they be able, by reaſon of Health, to anſwer in Perſon or not, ſo as they chuſe Counſel void of Exception, and if ſuch Counſel ſhall refuſe them, they are to be aſſigned as the Court ſhall think fit. This their Lordſhips do, becauſe in all Cauſes, as well Civil as Criminal and Capital, they hold that all lawful Means cannot, be-

Counſel to be admitted.

fore

fore juſt Judges, make one that is guilty avoid Juſtice; and, on the other Side, God defend that innocent Blood ſhould be condemned.

'As for the calling Members to the Bar, their Lordſhips hold fit to be very well weighed at what Time, and for what it ſhall be, and therefore Precedents are to be looked out and conſidered of. *May* 28, 1624. Calling Members to the Bar.

'How far it is conceived the Privilege of the Nobility doth clearly extend concerning the Freedom of their Servants and Followers, to all their menial Servants and thoſe of their Families, as alſo to thoſe employed neceſſarily and properly about their Eſtates as well as Perſons: This Freedom to begin from the Date of the Writ of Summons in the Beginning of every Parliament, and to continue twenty Days before and after every Seſſion of Parliament. All the Lords are to be very careful in this Point, remembering the Ground of this Privilege, which was only in reſpect they ſhould not be diſtracted, by the Trouble of their Servants, from attending the ſerious Affairs of the Kingdom; and therefore they will not pervert that Privilege to the public Injuſtice of the Kingdom, which was given them only that the whole Realm might, in this High Court, draw the clear Light of Juſtice from them; in which Caſe every one ought rather to go far within, than any Way exceed the due Limits. Privilege of Parliament. The Clauſe was thus worded by Order of the 27th of *June*, 1623.

'Before any Perſon be ſent for in this Kind, the Lord whom he ſerves ſhall, either by himſelf or by his Letter, or by ſome Meſſage, certify the Houſe, upon his Honour, That the Perſon arreſted is within the Limits of the Privilege before expreſſed; and for the Particulars they muſt be left to the Judgment of the Houſe, as the particular Caſes ſhall come in Queſtion, wherein the Houſe wants not all Means, as well by Oath as without, to find out the true Nature of the Servant's Quality to his Lord's Service: And thereupon if, by the Houſe, it be adjudged contrary to the true Intent and Meaning, any Member whatſoever muſt not think it ſtrange if, in ſuch Caſe, both he himſelf ſuffer Reproof, as the Houſe ſhall think

think fit, and his Servant receive no Benefit by the Privilege, but pay the Fees; whereas the Juſtice of the Kingdom muſt be preferred before any perſonal Reſpect, and none to be ſpared that ſhall offend after ſo fair Warning. *May* 23, 1624.

Oath of Allegiance.

'All the Lords ſhall, once every Parliament, take the Oath of Allegiance. *Per Ord. Feb.* 25, 1625.

Abſent Lords.

'When the Houſe is ſet, as he is to pay that comes after Prayers, ſo he that comes not at all, and maketh not his juſt Excuſe, is to pay five Shillings for the Poor for every Day's Abſence. *Ibid.*

Proxies.

'No Lord ſhall be capable of receiving above two Proxies, nor more to be numbered in any Cauſe, or Vote; and all Proxies from a Spiritual Lord ſhall be made to a Spiritual Lord, and from a Temporal Lord to a Temporal Lord. *Ibid.*

Proxies vacated.

'If a Peer, having Leave of the King to be abſent from Parliament, leaves his Proxy, and afterwards ſits again in the Houſe, his coming and ſitting again in the Parliament doth not determine that Proxy. *April* 25, 1626.

'If a Peer, having Leave to be abſent, makes his Proxy, and returns, he cannot make a new Proxy without new Leave. *Per Ord. ibid.*

Impriſonment of Lords.

'The Privilege of the Houſe is, That no Lord of Parliament, ſitting the Parliament, or within the uſual Time of Privileges of Parliament, is to be impriſoned or reſtrained without Sentence or Order of the Houſe, unleſs it be for Treaſon or Felony, or for refuſing to give Security for the Peace. *April* 28, 1628.

Lords to keep their Places.

'Every Lord is to ſit in his due Place when the Houſe is put into a Committee. *Per Ord. May* 9, 1626.

Houſe adjourned into a Committee.

'If it be deſired by any Lord that the Houſe be put into a Committee, it ought not to be refuſed. *Ibid.*

The Order about the Precedency granted to the Earl of *Banbury* before divers other Lords of antienter Creation.

'The Lords in Parliament having underſtood by the Lords Committees for the Privileges of the Houſe, that they are clearly of Opinion, the Act of Parliament of 31 *Henry* VIII. is moſt ſtrong and plain for ſettling the Precedency of the Peers, according

cording to their Antiency and Times of Creation, have, upon full and deliberate Hearing, and examining the ſaid Act, in every Part, in open Houſe, adjudged, and do adjudge and declare, the ſaid Act, 31 *Henry* VIII. to be full and direct in the Point to enjoin every Peer, upon new Creation, to have Place according to the Time of his Creation, and Date of his Letters Patent, and no otherwiſe; and every other antient Peer to hold his Place according to his Antiquity and Creation, and no otherwiſe, unleſs it be in ſuch Caſes of ſuch Perſons, and in ſuch Places as the ſaid Act doth particularly mention: And whereas his Majeſty was pleaſed to ſend a gracious Meſſage to this Houſe, to let us know that it was never his Intention to innovate any thing in that Kind, or to win any Power contrary to Law or antient Cuſtom, in Matter of placing one before another; but his Majeſty having reſolved to confer that Dignity on that Noble Perſon at the ſame Time with the other then advanced, he being the firſt in Quality of them, was conſequently to have had the firſt Creation; but being at that Time caſually forgotten, and his Majeſty afterwards remembered of him, he did but aſſign him that Rank which was at firſt intended, without the leaſt Thought of injuring any in the Parliament, or ever to do the like for the future; as alſo his Majeſty deſired that it might paſs for this once in this Particular, conſidering how old a Man this Lord is, and childleſs; ſo that he may enjoy it during his Time, with this Aſſurance, That his Majeſty will never more occaſion the like Diſpute, but allow Degrees to be marſhalled according to the Statute in that Behalf. The Lords do give his Majeſty very humble and hearty Thanks for his Princely Care to ſatisfy this Houſe of his clear Intention, and are contented (the Lords particularly intereſted in the Precedency having firſt given their Conſents) that the ſaid Earl may hold the ſame Place as he now ſtands entered, for his Life only; and that Place of Precedency not to go to his Heirs. With this Proviſo, That it ſhall not, in the leaſt Degree, be brought into Example to prejudice the

undoubted Right of the Peers according to the full Judgment pronounced: And with this ſolemn Proteſtation, That as his Majeſty hath been pleaſed to promiſe he will never, in the future, ſeek to break the Precedency ſettled according to Antiquity of Creation in any Sort, ſo the Lords will never, upon any Occaſion hereafter, give way to any Precedency (though but for Life, or temporary) in any Point impugning or contradicting this Judgment, grounded upon the aforeſaid Statute, delivered upon ſo great and found Deliberation and Advice, with a general Conſent, which they have cauſed to be entered and inrolled, and ſhall be read, at the Beginning of every Seſſion in the open Houſe, among the Orders.

Lords to anſwer upon Honour.

'Ordered, upon the Queſtion, *nem. con.* That the Nobility of this Kingdom, and Lords of the Upper Houſe of Parliament, are, of antient Right, in all Courts as Defendants, to anſwer, upon Proteſtation of Honour only, and not upon the common Oath. *Per* Order, *May* 6, 1628.

Goods of privileged Perſons privileged

'Ordered, That the Goods of privileged Perſons taken in Execution, are to be re-delivered and freed, as well as their Perſons. *Per* Order, *May* 20, 1628.

Lobby Chamber.

'Ordered, That none but Noblemen, and the neceſſary Attendants of the Houſe, are to come into the Lobby, or the little Committee-Chamber. *Per* Order, *May* 23, 1628, *P. M.*

Quarrels, *Die Lunæ, P. M.* 1621.

'Ordered, by the Lords in Parliament, for avoiding of all Miſtakes, Unkindneſſes, and other Differences, which may grow to Quarrels, tending to the Breach of Peace, That if any Lord ſhall conceive himſelf to have received any Affront or Injury from any other Member of the Houſe, either in the Parliament-Houſe, or at any Committee, or in the Room belonging to the Lords' Houſe of Parliament, he ſhall appeal to the Lords in Parliament for his Reparation; which if he ſhall not do, but occaſion or entertain Quarrels, declining the Juſtice of the Houſe, then the Lord that ſhall be found therein delinquent, ſhall undergo the ſevere Cenſure of the Houſe of Parliament; and that this Order be added to the Standing Orders of the Houſe.

'Or-

'Ordered, by the Lords in Parliament, That such Lords as shall make Protestation, or enter their Dissents to any Vote of the House, shall make their said Protestation, or give Directions to have their Dissent enter'd into the Clerk's Book the next Sitting-Day of the House, or else the said Protestation, or Dissent, to be void and of none Effect. Protestation, *Die Sabb. March* 5, 1641.

'Ordered, by the Lords in Parliament assembled, That it is the Duty of the Lord-Chancellor or Lord-Keeper of the Great Seal of *England*, ordinarily to attend the Lords' House of Parliament; and that in Case the Lord-Chancellor or Lord-Keeper be absent from the House of Peers, and that there be none authorized under the Great Seal from the King to supply that Place in the House of Peers, the Lords may then chuse their own Speaker during that Vacancy. Speaker of the House, *Die Sabb. June* 9, 1660.

'Upon Report from the Committee for Privileges, concerning the Introduction of Lords by Descent into the House of Peers, it is resolved, by the Lords Spiritual and Temporal in Parliament assembled, That all Peers of the Realm, by Descent, being of the Age of twenty-one Years, or upwards, have Right to come and sit in the House of Peers without any Introduction. Resolved, *&c.* That no such Peers ought to pay any Fee or Fees to any Herald upon their first coming into the House of Peers. Resolved, *&c.* That no such Peers may or shall be introduced into the House of Peers by any Herald, or with any Ceremony, though they shall desire the same. Resolved, *&c.* That these Votes be entered and affixed to the general Orders of the House of Peers, to prevent all Questions or Claims of this Kind for the future. Introduction of Peers, *Die Lunæ, July* 27, 1663.

'Upon Report from the Lords Committees for Privileges, that, in pursuance of the first Part of the Order of the 24th of *February* last, directed to the Committee, upon the reading of a Bill for restoring Sir *Charles Stanley* in Blood, the first Time, as the said Bill began in the House of Commons, it appearing by the Records of Parliament that all Bills for Restitution in Blood ought, (before they Concerning Restitution of Blood, *March* 2, 1664.

be admitted and received in Parliament) upon humble Petition, to have his Majesty's Allowance for presenting the said Bills; and that then they are to be prosecuted and begun in the House of Peers: Contrary to which Privilege there having been Errors committed, by reason of the beginning some Bills of this Nature in the Lower House, our late Sovereign, King *James*, was pleased to take Notice thereof openly, giving Admonition to both Houses concerning our Act, (namely, for Restitution of *Rowland Marrick* in Blood) that no such Act of Restitution, from thenceforth, should be proceeded withall in Parliament, till the same was first allowed and signed by the King, and that then it ought first to begin in the Higher House, whereof his said Majesty did expressly will an Observation and Remembrance to be made. Notwithstanding which Rule, by reason of the Interruption of the regular and parliamentary Proceedings, occasioned in the late tumultuous Times, whereby Sir *Charles Stanley* and his Counsel have been mistaken in the proper Way for bringing in a Bill for Restitution in Blood into the Parliament, the Lords Spiritual and Temporal, in Parliament assembled, do declare, That although they have been pleased to receive the said Bill, yet it is with this positive Resolution, That, for the future, no such Acts of Restitution shall be proceeded withall in Parliament, untill the same be first allowed and signed by the King's Majesty, and then that it shall first begin in the House of Peers; and that, to this Purpose, the said Resolution of this House, conformable to the Orders of the 22d and 27th of *May*, in 3. *Jac.* 1606, be entered upon the Roll of the Standing Orders of this House.

Bills to be duly considered. *May* 5, 1668.

'Upon Report made by the Lord-Chamberlain from the Committee of the whole House, concerning the Bill for raising 300,000 *l.* by an Imposition on Wines and other Liquors, that in regard the said Bill being very long, and consisting of many Paragraphs, came from the House of Commons so near the Time of Adjournment, he was commanded to report it, as the Opinion of the Committee, that it might

might be entered into the *Journal* of this Houſe, That there may be no ſuch Argument hereafter uſed in this Houſe (as upon this Bill of Shortneſs of Time) for the paſſing of Bills to precipitate the paſſing thereof; but that due Conſideration may be hereafter had, according to the Courſe of Parliaments, the Lords Spiritual and Temporal, in Parliament aſſembled, agree with the Report made from the Committee; and ordered that this Order be entered on the Roll of the Standing Orders of this Houſe.

Lords not to diſcourſe together while the Houſe is upon Buſineſs. *March* 30, 1670.

'Ordered, by the Lords Spiritual and Temporal in Parliament aſſembled, That if any Lord have occaſion to ſpeak with another Lord of this Houſe, while the Houſe is ſitting, they are to go together below the Bar, or elſe the Speaker is to ſtop the Buſineſs in Agitation; and that this Order be added to the Standing Orders of this Houſe.

Proceedings upon Writs of Error entered by Order of the Houſe, *Dec.* 13, 1661, and *Dec.* 9, 1675.

'Foraſmuch as upon Writs of Error returnable in this High Court of Parliament, the Parliament therein doth often deſire Delay of Juſtice, rather than to come to the Determination of the Right of the Cauſe; it is therefore ordered, by the Lords Spiritual and Temporal in Parliament aſſembled, That the Parliament, in all ſuch Writs, after the ſame and the Records be brought in, ſhall ſpeedily repair to the Clerk of the Parliament, and proſecute their Writs of Error, and ſatisfy the Officers of this Houſe their Fees, juſtly due unto them by reaſon of the Proſecution of the ſaid Writs of Error and the Proceedings thereupon; and further ſhall aſſign their Error within eight Days after the bringing in of ſuch Writs with the Records; and if the Plaintiff make Default ſo to do, then the Clerk of the Defendant, if ſuch Writs require it, ſhall record that the Plaintiff hath not proſecuted his Writ of Error; and that the Houſe doth therefore award that ſuch Plaintiff ſhall loſe his Writ, and that the Defendant ſhall go without Day, and that the Record be remitted; and if any Plaintiff, in any Writ of Error, ſhall alledge Diminution, and pray a *Certiorari*, the Clerk ſhall enter an Award thereof accordingly; and the Plaintiff may before, *in nullo eſt Erratum*, ſue forth the Writ

of *Certiorari* in ordinary Courſe, without ſpecial Petition or Motion in this Houſe for the ſame; and if he ſhall not proſecute ſuch Writs, and procure it to be returnable within ten Days next after his Plea of Diminution put into this Houſe, then, unleſs he ſhew good Cauſe to this Houſe for the enlarging of the Time for the returning of ſuch Writ, he ſhall loſe the Benefit of the ſame, and the Defendant on the Writ of Error may proceed as if no ſuch Writ of *Certiorari* was awarded.

Lords to keep their Places upon voting in the Houſe, *March* 13, 1670.

'Ordered, by the Lords Spiritual and Temporal in Parliament aſſembled, That, after a Queſtion is put, and the Houſe hath voted thereupon, no Lord is to depart out of his Place untill the Houſe hath either entered upon ſome other Buſineſs, or upon Conſideration of adjourning the Houſe; and that this Order be added to the Roll of Standing Orders of the Houſe.

Concerning Voting. *January* 9, 1673.

'Ordered, *&c.* That when a Queſtion hath been truly put by the Speaker, no Lord is to ſpeak againſt the Queſtion before voting; and that this ſhall be entered into the Roll of the Standing Orders of this Houſe.

Lords not to anſwer Accuſations in the Houſe of Commons. *January* 20, 1672.

'Upon Report made this Day from the Lords Committees appointed to conſider of the Privileges of the Peers of this Realm, and Order and Cuſtoms of the Lords' Houſe, *&c.* to whom was referred the examining of what hath been the Practice in former Times, in the Caſes of Lords deſiring Leave to appear and anſwer Accuſations in the Houſe of Commons, that their Lordſhips have ſearched and peruſed Precedents, and thereupon conceive that it may deeply intrench upon the Privileges of this Houſe, for any Lord of this Houſe to anſwer an Accuſation in the Houſe of Commons, either in Perſon, or by ſending his Anſwer in Writing, or by his Counſel there; upon ſerious Conſideration had whereof, and Peruſal of the ſaid Precedents in this Houſe, it is ordered, *&c.* That, for the future, no Lord ſhall either go down to the Houſe of Commons, or ſend his Anſwer in Writing, or appear by Counſel to anſwer any Accuſation there, upon

upon Penalty of being committed to the Black Rod, or the Tower, during the Pleaſure of this Houſe; and that this Order be added to the Standing Orders of this Houſe, that the Lords may the better take Notice of the ſame.

No Oath to take away the Privilege of Peerage. *April* 30, 1675.

'Ordered, &c. That no Oath ſhall be impoſed by any Bill, or otherwiſe, upon the Peers, with a Penalty, in caſe of Refuſal, to loſe their Places and Votes in Parliament, or Liberty of Debates therein; and that this Order be added to the Standing Orders of this Houſe.

Witneſſes to be examined *in Perpetuam Rei Memoriam*, without Breach of Privilege. *July* 3, 1678.

'The Lords Spiritual and Temporal, &c. do declare, That in all Caſes, wherein it is neceſſary to examine Witneſſes *in perpetuam Rei Memoriam*, it ſhall not be taken to be a Breach of the Privilege of Parliament to file a Bill againſt a Peer in Time of Parliament, and to take out uſual Proceſs for that Purpoſe only; and that this Declaration be added to the Roll of Standing Orders.

Time limited for bringing in Writs of Error and Appeals. *July* 13, 1678.

'Ordered, &c. That all Perſons who ſhall have any Writs of Error, or Petitions of Appeal from any Court of Equity, to be exhibited to this Houſe, do bring their ſaid Writs of Error, and preſent their Petitions within fourteen Days, to be accounted from and after the firſt Day of every Seſſion or Meeting of Parliament, after a Receſs; after which Time the Lords do declare they will, during every ſuch Sitting, receive no Writ of Error, or Petition of Appeal, unleſs upon a Judgment given in any of his Majeſty's Courts of Judicature, or Decrees had in any of the Courts of Equity, whilſt the Parliament is actually ſitting; in which Caſes, the Party who ſhall find himſelf aggrieved may bring his Writ of Error, or Petition of Appeal, within fourteen Days after ſuch Judgment or Decree is given; and that this Order be added to the Standing Orders of the Houſe of Peers, and likewiſe publiſhed in Print, to the End that all Perſons concerned may take Notice thereof, and obſerve it accordingly.'

The foregoing, being the Remembrances, *&c.* of the *Houſe of Lords*, is taken from a Folio miſcellaneous MS. in Dr. Z. *Grey*'s Collection; and the following, relative to the Rules, Orders, *&c.* of the *Houſe of Commons*, is from a printed Book, intitled,

ORDERS, STANDING ORDERS, *and* RESOLUTIONS *of the Hon.* HOUSE *of* COMMONS, *relating to their* FORMS *of* PROCEEDING, PRIVILEGES, *&c. Collected out of the* JOURNALS, *and digeſted under their ſeveral Heads; printed in the Year* 1747.

The ORIGINAL PREFACE.

IF it is reaſonable to wonder that this Manual was never publiſhed before, it will be ſo much the leſs neceſſary to apologize for publiſhing it now: And, ſurely, if it appears, that not only all who have Seats in Parliament, or who are in a Capacity to ſit, or who have Buſineſs to tranſact there, but the whole People in general are intereſted in the Rules and Orders of their Repreſentatives, it will not be diſputed that they ought to be acquainted with them; and the Perſons will rather deſerve their Thanks than Cenſure, who put it in their Power to be ſo.

Now, barely to read them, is to be convinced of this; for they will be found to reach to almoſt all Orders of Men, either mediately or immediately, from the Judge to the Baliff's Follower, and from the Petitioner at the Bar to the Footman on the Stairs, and the Vagrant in the Street: And it is fit for thoſe without Doors *to reflect, with a due Mixture of Reverence and Attention, that the Word* Privilege *is become as ſacred as the Word* Law; *and that Ignorance may be held as inſufficient a Plea, in Caſe of an Offence, againſt the one as the other.*

Then for thoſe within, *if we may preſume to ſpeak of them at all, it can ſcarce be ſaid, that they are qualified for the Truſt repoſed in them, till they are acquainted, in ſome Degree, with the Methods in which it is to be diſcharged: And this is a known Truth, That Men of very ſlender Parts, by rendering*

ing themſelves thorough Maſters of the Forms of the Houſe, have made themſelves conſiderable, have fancied themſelves to be more ſo; and, by the mere Dint of calling to Order, and quoting Journals and Precedents, have ſometimes defeated Arguments they could not anſwer, and triumphed over Talents and Abilities that infinitely tranſcended their own; which is all that need be ſaid to recommend a Study, hitherto, perhaps, too much neglected; and to juſtify a Publication, that could never be more ſeaſonable, than when ſo many new Members are juſt entering into the Service of their Country.

ORDERS *of the* HOUSE *of* COMMONS.

June 20, 1604.

'AGREED for Order, upon Occaſion of a Speech uttered by *L Lewis L*, That whoſoever hiſſeth, or diſturbeth any Man in his Speech, ſhall anſwer it at the Bar, as a Breach of Order, and Contempt of the Houſe. Orders of Decency and Behaviour in the Houſe.

'*May* 7, 1607. Ordered upon the Queſtion, That, in going forth, no Man ſhould ſtir untill Mr. Speaker do riſe and go before, and then all the reſt ſhould follow after him.

'*March* 9, 1625, 1 *Car.* Ordered, That none ſhall go out of the Houſe, when it riſeth, before Mr. Speaker.

'*March* 15, 1625, 1 *Car.* Ordered, That no Man ſhall go out from the grand Committee before the Speaker take his Chair again, and ſo the Houſe riſe in the uſual Order.

'*May* 17, 1614. Ordered, That whoſoever ſtandeth in the Entry pay 12 *d.* preſently to the Serjeant.

'Revived *Feb.* 6 and 9, 1622.—*Feb.* 22, 1625. *Jan.* 15, 1641.—*Dec.* 14, 1660, and *June* 7, 1661.

'*Feb.* 15, 1620. The Speaker told, That he was too courteous, for that he put off his Hat too often; he ſhould not move it untill the third Congee.

'*Nov.* 16, 1620. Ordered, upon the Queſtion, That all thoſe who diſturb the Houſe, by ruſhing into the Entry before Mr. Speaker, at the Riſing of the Houſe, ſhall be called to the Bar.

'*March*

'*March* 26, 1627, 4 *Car.* Ordered, That all who ſtand in the Entry, or go out diſorderly before the Speaker, ſhall pay 12 *d.* a-piece to the Serjeant, and ſo likewiſe at the grand Committee, when the Houſe ſitteth.

'Revived *June* 14, *Jan.* 20, and *Feb.* 9, 1627; and *Feb.* 16, 1643.

'*Nov.* 12, 1640, *P. M.* Ordered, That whoſoever ſhall go forth of the Houſe in a confuſed Manner, before Mr. Speaker, ſhall forfeit 10 *s.* and that the Reporters might go firſt to take their Places.

'*Nov.* 25, 1640. Ordered, That when any Meſſage is to go up to the Lords, none ſhall go out of the Houſe before the Meſſengers.

'*Dec.* 4, 1640. Ordered, That whoſoever does not take his Place when he comes into the Houſe, or removes out of his Place, to the Diſturbance of the Houſe, ſhall pay 12 *d.* to be divided between the Serjeant and the Poor; and whoſoever ſpeaketh ſo loud in the Houſe, when any Bill or other Matter is reading, as to diſturb the Houſe, ſhall pay the like Forfeiture.

'*May* 5, 1641. Reſolved, That if any Man ſhall whiſper, or ſtir out of his Place, to the Diſturbance of the Houſe, at any Meſſage or Buſineſs of Importance, Mr. Speaker is ordered to preſent his Name to the Houſe, for the Houſe to proceed againſt him as they ſhall think fit.

'*Nov.* 17, 1641. Ordered, That the Serjeant ſhall deſire the Gentlemen Members of the Houſe, to take their Places when they come into the Houſe, and not to ſtop up the Paſſage in the Time of Prayers.

'*Dec.* 14, 1641. Ordered, That the Members of the Houſe that are gone up to the Lords now before Mr. Speaker, ſhall pay their 5 *s.* a-piece.

'*Feb.* 17, 1644. Ordered, That no Member do preſume to go over the Seats, or croſs the Houſe, to the Diſturbance of the Houſe, or read any printed Book in the Houſe; and that ſuch Member as ſhall ſo offend, ſhall pay 12 *d.* to the Box for the Uſe of the Poor.

'Sept.

'*Sept.* 19, 1656. Agreed for a Rule, That whilſt any Stranger is in the Houſe, no Member ought to ſtir out of his Place, nor ſpeak unto another.

'*June* 1, 1661. Ordered, That whenſoever the Houſe is to riſe, every Member keep his Seat till the Speaker go out, and then every one in their Courſe orderly as they ſit, and not over the Forms.

'Ordered, That all ſuch of the Members of this Houſe as climb over their Seats ſhall pay 12*d.* to the Serjeant attending this Houſe.

'*Feb.* 8, 1661. Ordered, That all Members of this Houſe, that ſhall interrupt the Houſe in Debates, by private Diſcourſe, be called to the Bar.

'*Jan.* 22, 1693. To the End that all Debates of this Houſe ſhould be grave and orderly, as becomes ſo great an Aſſembly, and that all Interruptions ſhall be prevented by it, ordered and declared, That no Member of this Houſe do preſume to make any Noiſe or Diſturbance, whilſt any Member ſhall be orderly debating, or whilſt any Bill, Order, or other Matter, ſhall be reading or opening; and in caſe of any Noiſe or Diſturbance, that Mr. Speaker do call upon the Member, by Name, making ſuch Diſturbance; and that every ſuch Perſon ſhall incur the Diſpleaſure and Cenſure of this Houſe.

'*March* 23, 1693. Ordered, That no Member of the Houſe do preſume to take Tobacco in the Gallery of the Houſe.

'Ordered, That no Member of the Houſe do preſume to take Tobacco at the Table, ſitting at Committees.

'*Feb.* 10, 1698. Ordered, That every Member of this Houſe, when he comes into the Houſe, do take his Place, and not ſtand in the Paſſage as he comes in or goes out, or ſit or ſtand in any of the Paſſages to the Seats, or in the Paſſage behind the Chair, or elſewhere that is not a proper Place.

'Revived *Feb.* 15, 1720.

'*Jan.*

Orders for the Speaker's taking the Chair, and adjourning the Houſe, and Vacancy of the Chair, &c.

'*Jan.* 5, 1640. It was ordered, as a conſtant Rule, That Mr. Speaker is not to go to his Chair till there be at leaſt forty in the Houſe.

'*April* 2, 1641. Ordered, That whereas, among the Commiſſioners Names for the Counties of *Oxon* and *Glouceſter*, and the City of *Glouceſter*, Mr. Speaker is only named *William Lenthall*, Eſq; it is now ordered, that it ſhould be expreſſed *William Lenthall, Eſq; Speaker of the Houſe of Commons*, and that he be ranked in the firſt Place.

'*Dec.* 19, 1678. Reſolved, That Mr. Speaker ſhall not at any Time adjourn the Houſe, without a Queſtion firſt put, if it be inſiſted on.

'Reſolved, That this Reſolution be entered in the *Journal*, as a Standing Order of this Houſe.

'*April* 12, 1679. *P. M.* Reſolved, &c. That it be a Standing Order of the Houſe, that, from henceforth, upon any Vacancy of the Chair, no Motion be made for chuſing of a new Speaker till after Eleven o'Clock.

'*March* 20, 1728. Ordered, That, for the future, when any Letter or Packet, directed to this Houſe, ſhall come to Mr. Speaker, he do open the ſame, and acquaint the Houſe at their next Sitting with the Contents thereof, if proper to be communicated to the Houſe.

Orders touching Elections and Returns.

'*Feb.* 23, 1623. 21 *Jac.* Agreed there be a general Warrant to Mr. Speaker, to make Warrants for new Writs, in caſe of Death or double Returns.

'*Feb.* 25, 1623. Ordered upon the Queſtion, That all Petitions, about Elections and Returns, ſhall be preſented to the Committee of Privileges within a Fortnight from this Day, or elſe to be ſilenced for this Seſſion.

'*March* 5, 1623. Ordered, upon the Queſtion, That all Affidavits taken in any Court concerning Elections, Returns, or any Thing depending thereupon, be rejected, and not uſed hereafter.

'*Feb.* 15, 1625. All Petitions touching Elections to be preferred within fourteen Days after the Return.

'*Feb.*

'*Feb.* 18, 1625. All Petitions concerning Elections paſt to be delivered in before *Thurſday* Fortnight; and for other Elections to be made hereafter, a Fortnight after their Return.

'*March* 20, 1626. 3 *Car.* Ordered, That Warrants do iſſue under Mr. Speaker's Hand to the Clerk of the Crown, for Writs for new Elections, in the Room of the ſeveral Places waved; and a general Warrant to Mr. Speaker, without further Motion, to make Warrants to the Clerk of the Crown, for new Writs upon Elections of any other double Return, or upon any Place to grow void by Death during this Parliament.

'*Jan.* 20, 1626. 4 *Car.* Ordered, That a general Warrant be made to Mr. Speaker, upon Deaths, to make Warrants for new Elections, without Motion, as in other Caſes upon Elections.

'It is upon the Queſtion ordered, That all who are doubly returned ſhall make their Election for which Place they will ſerve, upon, or before, this Day Se'nnight.

'It is this Day ordered upon the Queſtion, That all ſuch as will queſtion any Election already returned, ſhall do the ſame by Petition, to be delivered to the Committee of Privileges, within fourteen Days next following, and for thoſe Elections hereafter to be return'd, within fourteen Days after the Return thereof.

'Revived *Nov.* 16, 1640. *April* 26, 1660.

'*March* 28, 1627. 4 *Car.* Every one that is doubly returned to make his Election now, in the Houſe, or elſe the Houſe to make Election for him.

'*April* 16, 1640. Ordered, That they that are by more Indentures than uſual returned, ſhall withdraw themſelves from ſitting in the Houſe, till the Committee for Privileges have further ordered it, and the Committee be deſired to expedite their Buſineſs.

'*Nov.* 6, 1640. This Committee is appointed to examine and conſider all Queſtions to grow and ariſe this Parliament, about Elections and Returns, and other Privileges of the Houſe; and to report their Opinions and Proceedings therein to the Houſe; and have Power to ſend for Records, Witneſſes,

and

and Parties, and to hear Counſel; and are for this Purpoſe to meet this Afternoon, and afterwards every *Saturday*, *Tueſday*, and *Thurſday*, in the Star-Chamber, after Dinner.

'*Ordered*, That thoſe Petitions this Day delivered into the Houſe, concerning Elections, ſhall be bundled up, and delivered to the Committee of Privileges, and they to conſider which of them to fall in Hand firſt.

'*Nov.* 10, 1640. Moved, that ſuch whoſe Elections are queſtioned, and are doubly returned, ſhall be exempted from making their Choice for which Place they will ſerve till their Elections be determined.

'*Dec.* 10, 1641. Whereas the Houſe of Commons has receiv'd Information, that Letters from Peers are directed to Boroughs, that are now to make Elections for Members to ſerve in this Parliament; they conceive that all Letters in that Nature, from any Peers of this Realm, do neceſſarily tend to the Violation of the Privilege of Parliament, and the Freedom of Election of Members that ought to ſerve in the Houſe of Commons; and do declare, That, notwithſtanding ſuch Letters, all Perſons to whom Elections of Knights and Burgeſſes do belong, ought to proceed to their Elections with that Freedom, which, by the Laws of the Realm, and by Right, they ought to do; and do expect that, if any ſuch Letters, from any Peers of the Realm, ſhall hereafter be ſent unto them, the Parties receiving the ſame certify the Contents thereof, and bring the Letters themſelves to the Speaker of the Houſe of Commons.

'Reſolved, That the Knights, Citizens, Burgeſſes, and Barons of the Cinque Ports, ſhall ſend Copies of this Order to the ſeveral Counties, Cities, Boroughs, and Cinque Ports reſpectively.

'*Nov.* 17, 1645. Reſolved, *&c.* That this Houſe doth declare and order, That all Elections of any Knight, Citizen, or Burgeſs to ſerve in Parliament, be made without Interruption or Moleſtation by any Com-

Commander, Governor, Officer, or Soldier, that hath not, in the County, City, or Borough reſpectively, Right of electing; and that this Order be ſent to *Reading* at the next Election; and, it is further ordered, that this Order be printed.

'*Sept.* 5, 1654. Reſolved, That no Petition againſt an Election of ſuch Members as are already returned for *England* or *Scotland*, ſhall be received by the Committee of Privileges after three Weeks from this Day.

'*Feb.* 1, 1657. Reſolved, That in all Caſes of double Returns, or more for one and the ſame Place, none that are ſo returned, unleſs they be named in both, or all the Returns, do ſit untill the Houſe have firſt determined touching the ſaid Returns or Elections.

'Reſolved, That the Committee of Privileges do examine and determine Elections upon double Returns, or more, in the firſt Place, and report the ſame to the Houſe with all the Speed that may be.

'*April* 26, 1660. Reſolved, *&c.* That all Members upon double Returns do forbear to ſit, till the Point of double Returns be determined, unleſs they be returned in ſeveral Indentures; and ſuch who are returned in the ſeveral Indentures may ſit.

'The ſame *May* 11, 1661. *March* 18, 1678. The ſame every Seſſion.

'Reſolved, *&c.* That the Committee have Power to examine and conſider all Queſtions, which ſhall grow and ariſe this Parliament about Elections and Returns, and other Privileges, and to acquaint the Houſe with their Proceedings from Time to Time; and all the double Returns to be firſt taken into Conſideration, and reported to the Houſe; and they are to meet in the Exchequer Chamber this Afternoon at Two o'Clock, and every *Tueſday*, *Thurſday*, and *Saturday* in the Afternoon, with Power to ſend for Perſons, Papers, Writings, and Records, and what elſe may conduce to the Buſineſs.

'*May* 26, 1660. Ordered, That the Members of this Houſe, who are doubly elected, and neither of their Elections queſtioned, do make their Elections by

by *Thurſday* next, or, in Default thereof, the Houſe to elect for them.

'*July* 20, 1660. This Houſe doth declare it to be a fundamental Order of this Houſe, that the proper Officer (except only in Caſes of Impotency or Sickneſs) ought to amend in the Houſe all Returns of Elections, where, upon an Error committed in the Return, the Houſe ſhall ſee Cauſe to order an Amendment.

'*May* 11, 1661. Reſolved, That this Committee do meet this Afternoon at Two o'Clock in the Exchequer Chamber, and every *Tueſday*, *Thurſday*, and *Saturday* at Two o'Clock in the Afternoon, in the Place before-mentioned, and do take into Conſideration all ſuch Matters as ſhall or may come in Queſtion, touching Returns, Elections, and Privileges, and to proceed upon double Returns in the firſt Place, and to report their Proceedings to the Houſe.

'And all Perſons that will queſtion double Returns already made, are to do it in fourteen Days next, and ſo in fourteen Days after any new Return ſhall be brought in; and the Committee is to have Power to receive Petitions, and to ſend for Witneſſes, Papers, and Records, for their Information, and to make Report of any Matter which ſhall concern Breach of Privilege; and all Members that are returned, for two or more Places, are to make their Elections, by this Day three Weeks, for which Place they will ſerve, provided there be no Queſtion upon the Return for that Place; and if any Thing ſhall come in Queſtion touching the Return, or Matter of Privilege, of any Member of this Committee; ſuch Member is to withdraw from the Committee, during the Time the Matter which concerns himſelf is in Debate.

'This Order revived every Seſſion.

'*May* 31, 1661. Ordered, That ſuch Perſons as have exhibited Petitions to the Committee of Privileges and Elections, without ſubſcribing their Names thereto, have Leave to ſubſcribe their Names to the ſaid Petitions, and that the Committee do accept thereof, though the Time limited for exhibiting Petitions be elapſed.

'*Nov.*

'*Nov.* 22, 1662. Reſolved, That, for the future, when any Writ ſhall be deliver'd for a new Election of any Member to ſerve in Parliament, the Party that doth receive the Writ ſhall deliver, or cauſe the ſame to be forthwith ſent and delivered, to the proper Officer of the Place for the Election to be made.

'*April* 30, 1662. Reſolved, That this Houſe doth agree with the Committee, That Notice of all Elections of Members, to ſerve for Shire Towns in *Wales*, ought to be given to the Out-Corporations and Boroughs in ſuch Shire.

'*March* 30, 1668. Reſolved, That this Houſe doth declare, That there is no Fee due for Orders or Writs of Elections upon the Admiſſion of Members into the Houſe.

'*Jan.* 18, 1670. Information being given to the Houſe of an Endeavour to foreſtall a free Election, by iſſuing out Papers in the Nature of Warrants to pre-engage the Country before any Writ iſſuing, and ſeveral of the ſaid Papers being delivered in at the Table, and being, upon the Queſtion, ordered to be read; and being read accordingly, reſolved, *&c.* That the ſending of Warrants, or Letters in the Nature of Warrants, or Letters to High-Conſtables, or other Electors, when a Knight of the Shire, or other Member, is to be choſen to ſerve in Parliament, or threatening in the Electors, is unparliamentary, and a Violation of the Rights of Electors.

'*April* 13, 1675. Ordered, That Mr. Speaker do give Order to the Clerk of the Crown to take Care that the Writs for Elections of new Members be delivered to the Sheriff, or proper Officer.

'*April* 2, 1677. Reſolved, *&c.* That if any Perſon hereafter to be elected into a Place for to ſit and ſerve in the Houſe of Commons for any County, City, Town, Port, or Borough, after the Teſt, or the iſſuing out of the Writ or Writs of Election, upon the calling or ſummoning of any Parliaments hereafter, or after any ſuch Place becomes vacant hereafter, in the Time of Parliament, ſhall, by himſelf, or by any other on his Behalf, at his Charge,

or at any Perſon or Perſons, having Voice in any ſuch Election, any Meat, Drink, exceeding in the true Value Ten-pence in the whole, in any Place, or Places, but in his own Dwelling-Houſe or Habitation, being the uſual Place of his Abode for five Months laſt paſt; or before ſuch Election be made, or declared, make any other Preſent, Gift, or Reward, or any Promiſe, Obligation, or Engagement to do the ſame, either to any ſuch Perſon, or Perſons, in particular, or to any ſuch County, City, Town, Port, or Borough, in general, or to and for the Uſe and Benefit of them, or any of them, every ſuch Entertainment, Preſent, Gift or Promiſe, Obligation or Engagement, is, by this Houſe, declared to be Bribery; and ſuch Entertainment, Preſent, Gift, Reward, Promiſe, Obligation, or Engagement, being duly proved, is, and ſhall be, a ſufficient Ground, Cauſe, and Matter, to make every ſuch Election void, as to the Perſon ſo offending, and to render the Perſon ſo elected incapable to ſit in Parliament by ſuch Election; and hereof the Committee of Elections and Privileges is appointed to take eſpecial Notice and Care to act and determine Matters coming before them accordingly.

'Reſolved, *&c.* That the ſaid Order againſt exceſſive Drinking at Elections be a further Inſtruction to the Committee of Elections; and that it be, from Time to Time, entered amongſt the conſtant and ſtanding Powers and Inſtructions given by the Houſe of Commons to the ſaid Committee.

'Continued a Standing Order *May* 23, 1678, and *October* 21, 1678.

'*March* 19, 1678. The Houſe taking Notice of ſeveral Complaints in the Petitions this Day read, of divers Miſdemeanors and undue Practices of Sheriffs, Mayors, Bailiffs, and other Officers, in the Elections and Returns of Members to ſerve in Parliament, ordered, That it be an Inſtruction to the Committee of Privileges and Elections, That they do examine, and make a ſpecial Report of all Miſcarriages and undue Practices in Sheriffs, Mayors, Bailiffs, or other Officers concerned in the returning of Members

bers elected to ſerve in Parliament, as likewiſe of all undue Practices, Letters, Promiſes, Threats, or Oppreſſions in any Elections.

'*October* 21, 1678. Ordered, That Mr. Speaker be deſired to give Notice to the Clerk of the Crown to take Care that the Writs, for the new Elections, be delivered to the Hands of the Sheriffs of the reſpective Counties, and that the Houſe do expect an Account hereof.

'*May* 17, 1679. Ordered, That the Chairman of the Committee of Privileges and Elections do make a ſpecial Report of the Miſcarriages of Sheriffs, and other Officers concerned in the Return of Members to ſerve in Parliament, as well as in the Elections that have been already examined by the ſaid Committee, as ſhall hereafter come before them.

'*May* 22, 1681. 1 *Jac.* II. Ordered, That all Members returned upon double Returns do withdraw till their Returns be determined.

'Ordered, That the Houſe do proceed upon double Returns, in the firſt Place, before any other controverted Elections.

'Ordered, That all Members, who are returned for two or more Places (except ſuch Members as are beyond Sea) do make their Elections in ſeven Days next after for which of the Places they will ſerve, provided there be no Queſtion upon the Return for ſuch Places.

'Revived *Nov.* 22, 1708. 7 *Annæ.*

'*June* 2, 1685. Reſolved, That no Mayor can duly return himſelf a Burgeſs to ſerve in Parliament for the ſame Borough of which he is Mayor at the Time of the Election.

'Reſolved, That no Mayor, Bailiff, or other Officer, to whom the Precept ought to be directed, is capable of being elected to ſerve in Parliament for the ſame Borough of which he is Mayor, Bailiff, or Officer, at the Time of the Election.

'*Jan.* 23, 1688. Reſolved, That where any Vacancies have already happen'd, or ſhall hereafter happen, by Death, or Removal of any Member or double Return, Mr. Speaker do, for the future, upon Motion

to this Houſe, by his Letter, make Application to his Highneſs the Prince of *Orange*, deſiring him to iſſue out his Letter, directed to the reſpective Coroner, or Coroners, or Chief Magiſtrate, (as formerly) for ſupplying ſuch Vacancies by electing other Members therein.

'*Jan.* 23, 1688. The Houſe being informed that it was an antient Order and Cuſtom of the Houſe, that, upon new Members coming into the Houſe, they be introduced to the Table between two Members, and make their Obeiſance as they go up, that they may be the better known to the Houſe, reſolved, That the ſaid Order and Cuſtom be, for the future, obſerved.

'*Jan.* 28, 1688. Ordered, That the Chairman of the Committee of Privileges be impowered to receive Petitions concerning Elections of Members to ſerve in this preſent Convention, and that the Petitions be numbered as they come in, and heard in Courſe, as the ſame ſhall be brought in to the Committee.

'*April* 12, 1690. Reſolved, That after a Return is made into the Crown-Office of Members to ſerve in Parliament, the ſame ſhall not be altered by the Sheriffs, or the Clerk of the Crown, or by any other but by this Houſe.

'*April* 30, 1690. Reſolved, That Quakers having a Freehold, and refuſing to take the Oaths when tendered by the Sheriff, are incapable of giving their Votes for Knights of the Shire for that Reaſon.

'*Jan.* 12, 1693. Ordered and declared, That the Hearings upon Petitions concerning the Elections, before the Committee of Elections and Privileges, be heard in Priority and Courſe, as they are ſet down, and appointed to be heard by the ſaid Committee.

'*Feb.* 12, 1693. Evidence admitted to unqualify Freeholders, who had ſworn themſelves ſuch at *Cambridge* County Election.

'*Dec.* 7, 1694. A Complaint being made to the Houſe, That the Writ for electing of a Knight to ſerve in this preſent Parliament, for the County of *Cardigan*, was not delivered to the Sheriffs, reſolved, That

That all Writs, for electing of Members to ſerve in Parliament, be immediately ſent to the proper Officer for Execution thereof with all convenient Speed.

'*Dec.* 7, 1695. Declared, That, in caſe of double Returns, any Party ſo returned may (within fourteen Days after the Matter, touching the Return, be determined) petition as to the Merits of Election.

'*Jan.* 16, 1695. Reſolved, That the Houſe doth agree with the Committee in the Reſolution, that Evidence ought not to be admitted to diſqualify an Elector as no Freeholder, who at the Election ſwore himſelf to be a Freeholder,—*Surry* and *Hertford* Elections.

'*Nov.* 25, 1695. Ordered, That it be an Inſtruction to the Committee, that they do admit but two Counſel of a Side to be heard in any Cauſe before them.

'Revived *Oct.* 12, 1696; *Dec.* 12, 1698; and *Nov.* 16, 1699.

'Afterwards added, (upon the Matter of controverted Elections) *Nov.* 22, 1708.

'*Dec.* 22, 1698. Reſolved, *Nemine Contradicente*, That no Alien (not being a Denizen or naturalized) hath any Right to vote in Elections of Members to ſerve in Parliament.

'*Jan.* 24, 1698. Ordered, That the Committee of Privileges and Elections be impowered, from Time to Time, to alter, in Courſe, the Days of Hearing the ſaid Cauſes, as they ſhall happen to be poſtponed.

'*Dec.* 21, 1699. Reſolved, That it is the Opinion of this Committee, that if any Perſon, having a Right to vote for two Members to ſerve in Parliament, ſhall give a ſingle Vote, ſuch Perſon hath no Right to come afterwards and give his ſecond Vote during the ſaid Election.

'*Dec.* 14, 1699. Reſolved, *Nemine Contradicente*, That no Peer of this Kingdom hath any Right to give his Vote in the Election of any Member to ſerve in Parliament.

'Revived *Nov.* 9, 1703; *Nov.* 22, 1708; and every Seſſion ſince.

'*Feb.* 13, 1700, 12 *Gul.* III. Reſolved, *Nemine Contradicente*, That where the Houſe ſhall judge any Petition touching the Elections to be frivolous and vexatious, the Houſe will order Satisfaction to be made to the Perſon petitioned againſt.

'Reſolved, *Nemine Contradicente*, That in caſe it ſhall appear any Perſon hath procured himſelf to be elected or returned as a Member of this Houſe, or endeavoured ſo to be, by Bribery, or any other corrupt Practices, this Houſe will proceed with the utmoſt Severity againſt ſuch Perſon.

'Revived every Seſſion ſince.

'*Feb.* 15, 1700, 3 *Gul.* III. Reſolved, *Nemine Contradicente*, That for any Peer of this Kingdom, or any Lord-Lieutenant of any County, to concern themſelves in the Election of Members to ſerve for the Commons in Parliament, is a high Infringement of the Liberties and Privileges of the Commons of *England*.

'Afterwards of *Great-Britain*, *Nov.* 22, 1708.

'*Feb.* 21, 1700. Reſolved, That if it ſhall appear that any Perſon hath tampered with any Witneſs, in reſpect of their Evidence to be given to this Houſe, or any Committee thereof, or, directly or indirectly, endeavoured to deter or hinder any Perſon from appearing, or giving Evidence, the ſame is declared to be a high Crime and Miſdemeanor, and this Houſe will proceed with the utmoſt Severity againſt ſuch Offenders.

'Reſolved, That if it ſhall appear that any Perſon hath given falſe Evidence in any Cauſe before this Houſe, or any Committee thereof, this Houſe will proceed with the utmoſt Severity againſt ſuch Offenders.

'Theſe Orders revived every Seſſion.

'*Jan.* 26, 1703. Mr. *Freeman*, according to Order, reported from the Committee of the whole Houſe, to whom it was referred, to conſider of the Report of the *Journals* of the Houſe of Lords, touching the Caſe of *Aſhby* and *White*, and the Caſe of *Bernardiſton* and *Soame*, the Reſolutions which they had directed him to report to the Houſe; which he read in his Place,

Place, and afterwards delivered in at the Clerk's Table, where the ſame were read, and are as follow, *viz.*

'1. Reſolved, That it is the Opinion of this Committee, That, according to the known Laws and Uſage of Parliament, it is the ſole Right of the Commons of *England*, in Parliament aſſembled, (except in Caſes otherwiſe provided for by Act of Parliament) to examine all Matters relating to the Rights of Elections of their own Members.

'2. Reſolved, That it is the Opinion of this Committee, That, according to the known Laws and Uſage of Parliament, neither the Qualification of any Elector, or the Right of any Perſon elected, is cognizable or determinable elſewhere than before the Houſe of Commons of *England*, in Parliament aſſembled, except in ſuch Caſes as are eſpecially provided for by Act of Parliament.

'3. Reſolved, That it is the Opinion of this Committee, That the examining and determining the Qualification or Right of any Elector, or any Perſon elected to ſerve in Parliament in any Court of Law, or elſewhere, than before the Commons of *England*, in Parliament aſſembled, (except in ſuch Caſes as are eſpecially provided for by Act of Parliament) will expoſe all Mayors, Bailiffs, and other Officers, who are obliged to take the Poll and make a Return thereupon, to a Multiplicity of Actions, Vexations, Suits, and inſupportable Expences, as will ſubject them to different and independent Juriſdictions, and inconſiſtent Determinations in the ſame Caſe without Relief.

'4. Reſolved, That it is the Opinion of this Committee, that *Matthew Aſhby* having, in Contempt of the Juriſdiction of this Houſe, commenced and proſecuted an Action at Common Law againſt *William White* and others, the Conſtables of *Aylesbury*, for not receiving his Vote at an Election of Burgeſſes to ſerve in Parliament for the ſaid Borough of *Aylesbury*, is guilty of a Breach of the Privilege of this Houſe.

'5. Reſolved, That it is the Opinion of this Com-

Committee, that whoſoever ſhall preſume to commence or proſecute any Action, Indictment, or Information, which ſhall bring the Right of the Electors, or Perſons elected to ſerve in Parliament, to the Determination of any other Juriſdiction than that of the Houſe of Commons, (except in Caſes eſpecially provided for by Act of Parliament) ſuch Perſon or Perſons, and all Attornies, Sollicitors, Counſellors, and Serjeants at Law, ſoliciting, proſecuting, or pleading in any ſuch Caſe, are guilty of a high Breach of the Privilege of this Houſe.

'The ſaid Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put therupon, agreed unto by the Houſe.

'Ordered, That the ſaid Reſolutions be fixed upon *Weſtminſter* Hall Gates, ſigned by the Clerk.

'*Feb.* 18, 1707. Reſolved, *Firſt*, That all Matters that ſhall come in Queſtion touching Returns or Elections, ſhall be heard at the Bar of the Houſe.

'Revived *Nov.* 22, 1708.

'Reſolved, *Secondly*, That all Queſtions at the Trial of Elections, if any Member inſiſt upon it, be determined by Ballot.

'Vacated *Nov.* 22, 1708.

'Reſolved, *Thirdly*, That all Petitions upon every new Parliament, relating to Elections and Returns, be deliver'd to the Clerk of the Houſe, and be by him laid upon the Table before the Speaker be choſen.

'Revived *Nov.* 22, 1708.

'Ordered, That the ſaid Reſolutions be Standing Orders of the Houſe.

'Mr. Speaker to ſend the ſaid Reſolutions to the Sheriffs of the ſeveral Counties of *Great-Britain*, to be by them communicated to the Chief Officers of the ſeveral Cities, Corporations, and Boroughs ſending Members to Parliament, in their reſpective Counties.

'*Nov.* 27, 1708, 7 *Annæ*. Ordered, That all Perſons that will queſtion any Election to be made upon new Writs, do preſent their Petitions within fourteen Days after the Return ſhall be delivered to the Clerk of the Crown.

'Ordered,

'Ordered, That the Counſel retained to be heard at the Bar in Cauſes upon controverted Elections, be called in at Eleven o'Clock thoſe Mornings that are appointed for ſuch Hearings.

'*March* 9, 1708. Ordered, That ſuch Perſons as ſhall think fit to renew their Petitions, complaining of undue Elections of Members to ſerve in this preſent Parliament, do preſent the ſame to the Houſe the next Seſſion of Parliament, according to antient Cuſtom.

'*Nov.* 16, 1709. Ordered, That it be an Inſtruction to the Committee, that they do examine whether the Petition to them referred be the ſame, and ſigned by the ſame Parties, as thoſe preſented the laſt Seſſion of Parliament.

'*Jan.* 19, 1709. The Committee of Elections having proceeded on That for *Roxborough*, and not being able to go through the ſame, and the Houſe having ordered That for *Roſs* to be heard To-morrow, deſires the Direction of the Houſe how the Committee ſhould proceed.

'Ordered, That the Committee do proceed in, and go through, the Cauſe touching the Election for the Shire of *Roxborough*, before they enter upon any Cauſe.

'*Jan.* 10, 1710, 9 *Annæ*. 'Reſolved, That the Petitioner be admitted to give parole Evidence of the Mortgage of a Mortgagee in Poſſeſſion of Lands, for which the Mortgagee voted againſt the Petitioner, without producing the Mortgage Deed.

'Reſolved, That the Decree of a Baron Court be admitted to be read as Evidence, to prove the ſitting Member's Poſſeſſion of thoſe Lands for which he voted at the Election for the Shire of *Kinroſs*, though it was not produced when the Objection was made to his Poſſeſſion.

'*March* 9, 1713. Mr. *Freeman*, according to Order, reported from the Committee, who were to conſider of the Act of the 9th Year of her Majeſty's Reign, intituled, *An Act for ſecuring the Freedom of Parliament, by the further qualifying the Members to ſit in the Houſe of Commons*, the Reſolutions they

they had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Clerk's Table, where they were read, and are as follow, *viz.*

'Resolved, *First*, That it is the Opinion of this Committee, That, notwithstanding the Oath taken by any Candidate at or after any Election, his Qualification may be afterwards examined into.

'Resolved, *Secondly*, That it is the Opinion of this Committee, That the Person, whose Qualification is expressly objected to in any Petition relating to his Election, shall (within fifteen Days after the Petition is read) give to the Clerk of the House of Commons a Paper signed by himself, containing a Rental, or Particular, of the Lands, Tenements, or Hereditaments, whereby he makes out his Qualification, of which any Person concerned may have a Copy.

'Resolved, *Thirdly*, That it is the Opinion of this Committee, That if a sitting Member shall think fit to question the Qualification of a Petitioner, he shall (within fifteen Days after the Petition is read) leave Notice thereof in Writing with the Clerk of the House of Commons; and the Petitioner shall, in such Case, (within fifteen Days after such Notice) leave with the said Clerk of the House the like Account in Writing, of his Qualification, as is required from a sitting Member.

'The said Resolutions being severally read a second Time, were, upon the Questions severally put thereupon, agreed unto by the House.

'The same agreed to *March* 23, 1714. Made Standing Orders *Feb.* 21, 1716, *Nov.* 21, 1717.

'*March* 18, 1727. Resolved, That in all Cases on double Returns, where the same shall be controverted, either at the Bar of the House, or in Committees of Privileges and Elections, the Counsel for such Person, who shall be first named in such double Return, or whose double Return shall be immediately annexed to the Writ or Precept, shall proceed in the first Place.

'Ordered and declared, That the said Order be a Standing Order of the House.

May

'*May* 11, 1733. Reſolved, That the Right of Election of a Preſes and Clerk, is in ſuch Perſons as ſtand upon the Roll laſt made up by the Freeholders at the *Michaelmas* Head-Court, or at the laſt Election of a Member to ſerve in Parliament.

'*Feb.* 6, 1734. Reſolved, That on the Petition of any Elector, or Electors, for any County, City, or Place, ſending Members to Parliament, complaining of an undue Election and Return, and alledging that ſome other Perſon was duly elected, and ought to have been returned; the ſitting Member ſo complained of may demand and examine into the Qualification of ſuch Perſon ſo alledged to be duly elected, in the ſame Manner as if ſuch Perſon had himſelf petitioned.

'Ordered, That the ſaid Reſolution be declared to be a Standing Order of the Houſe.

'*Jan.* 16, 1735. Ordered, That the Counſel at the Bar of this Houſe, or before the Committee of Privileges and Elections, be reſtrained from offering Evidence, touching the Legality of Votes for Members to ſerve in Parliament for any County, Shire, City, Borough, Cinque Port, or Place, contrary to the laſt Determination of the Houſe of Commons, which Determination, by an Act paſſed in the ſecond Year of his preſent Majeſty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Election of Members to ſerve in Parliament*, is made final to all Intents and Purpoſes whatſoever, any Uſage to the contrary notwithſtanding.

'Ordered, That the ſaid Order be a Standing Order of the Houſe.

'Reſolved, That in all Caſes of controverted Elections for Counties in *England* and *Wales*, to be heard at the Bar of this Houſe, or before the Committee of Privileges and Elections, the Petitioners do by themſelves, or by their Agents, within a convenient Time to be appointed, either by the Houſe, or the Committee of Privileges and Elections, as the Matter to be heard ſhall be before the Houſe, or the ſaid Committee, deliver to the ſitting Members, or their Agents, Liſts of the Perſons intended by the

Peti-

Petitioner to be objected to, who voted for the ſitting Members, giving in the ſaid Liſts the ſeveral Heads of Objections, and diſtinguiſhing the ſame againſt the Names of the Voters excepted to; and that the ſitting Members do, by themſelves, or by their Agents, within the ſame Time, deliver the like Liſts, on their Part, to the Petitioners' Agents.

'*Feb.* 26, 1735. Reſolved, That the Counſel for the Petitioners be admitted to give parole Evidence, as to Perſons being no Freeholders at the Time of the Election, who ſwore themſelves then to be Freeholders.

'*March* 2, 1735. Reſolved, That the Counſel for the Petitioners be admitted to give Evidence to what a Voter confeſſed of his having no Freehold, who, at the Time of the Election, ſwore he had.

'*Dec.* 22, 1741. Reſolved, That it appears to this Houſe that a Body of armed Soldiers, headed by Officers, did (on *Friday* the eighth Day of *May* laſt) come in a Military Manner and take Poſſeſſion of the Church Yard of St. *Paul*'s, *Covent-Garden*, near the Place where the Poll (for the Election of Citizens to ſerve in this preſent Parliament for the City of *Weſtminſter*) was taken, before the ſaid Election was ended.

'Reſolved, That the Preſence of a regular Body of armed Soldiers, at an Election of Members to ſerve in Parliament, is an high Infringement of the Liberties of the Subject, and manifeſt Violation of the Freedom of Elections, and an open Defiance of the Laws and Conſtitution of this Kingdom.

Orders for balloting in controverted Elections.

'*Feb.* 21, 1707. Mr. *Benſon* reported from the Committee appointed to conſider of proper Methods for the more ſpeedy and eaſy trying and determining of controverted Elections, and to whom it was referred to conſider of a proper Method for balloting, *&c.* ſeveral Reſolutions, *viz.*

'Reſolved, That it is the Opinion of this Committee, That a Ballotting-Box and Balls be prepared.

'Reſolved, That it is the Opinion of this Committee, That two Clerks attend the Ballotting, one

to deliver the Balls to the Member, and the other to carry the Box.

'Reſolved, That it is the Opinion of this Committee, That ſuch Member prepare his Hand bare and open to receive the Ball; and that he hold it up between his Fingers before he puts his Hand into the Box; and that the Box be immediately brought to the Table, and the Votes counted there by the Clerk, in the Preſence of the ſaid Members.

'Reſolved, That it is the Opinion of this Committee, That all Members ſit in their Places till the Votes are given, and the Affirmative or Negative declared by the Speaker.

'The ſaid Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

'Ordered, That the ſaid Reſolutions be Standing Orders of the Houſe.

'Vacated, *per* Order, *Nov.* 22, 1708.

'*April* 18, 1604. 1 *Jac.* Such Bills as came down from the Lords, and paſſed this Houſe, when they are ſent up again are to be preſented firſt, before any other Bills which had their firſt Beginning and Paſſage in this Houſe; next the public Caſe, the private Bills of this Houſe. Orders touching Bills in general.

'*April* 27, 1604. 1 *Jac.* Agreed for a Rule, If any Doubt ariſe upon any Bill, the Speaker is to explain, but not to ſway the Houſe with any Argument or Diſpute.

'The Petition touching the Abuſes of Purveyors, brought in by Mr. *Hare* from the Committee in Parliament, which was againſt Orders, and thereupon a Rule conceived, that no Petition, Bill, or other Thing to be treated in Parliament, ought to be privately delivered into the Houſe ready ingroſſed, but in Paper; and this Petition delivered in by Mr. *Hare* ſhall be no Precedent for the Time to come.

'*May* 19, 1604. 1 *Jac.* Rule agreed, No double Queſtions upon the paſſing of a Bill, though ſometimes upon the committing it is double, if the Voice or Queſtion be not clear.

May

May 23, 1604. 1 *Jac.* Reſolved and ordered, That, for this Time, all Queſtions ſhould ceaſe touching thoſe Matters, with this Caution and Care, proceeding from a tender Regard of the Privilege of this Houſe, that it ſhould be preſently regiſtred as the Judgment of the Houſe, that no Speaker from henceforth ſhould deliver a Bill, whereof the Houſe ſtandeth poſſeſſed, to any whomſoever, without the Allowance and Leave as aforeſaid; but that he had, or might either ſhew it, or deliver a Copy of it, as ſeemed meet unto him.

'An Order moved and agreed, That no Bill, whereof the Houſe is clearly poſſeſſed, be delivered to any before the Houſe has Notice, and give Leave.

'Admitted, That a Copy may be delivered, or it may be ſhewed, to his Majeſty.

'The Speaker reading the Title in his Chair, a Poſſeſſion.

'*June* 4, 1604. Agreed for Rule, If two ſtand up to ſpeak to a Bill, he againſt the Bill (being known by Demand, or otherwiſe) to be firſt heard.

'*June* 24, 1604. 1 *Jac.* Rule agreed, That if a Bill be continued in Speech, from Day to Day, one Man may not ſpeak twice to the Matter of the ſame Bill.

'*June* 25, 1604. Upon Motion, Such as ſat againſt the Bill went forth of the Houſe and brought in the Bill in their Hands, which is according to antient Order; and was now moved, and done once in a Parliament for preſerving Memory of the Order, and ſo expreſſed by the Mover.

'*Feb.* 13, 1606. The Remembrances (formerly ſet down and read, being privately delivered to the Clerk by Sir *Henry Montague*, the Day of the late Adjournment) were required by the Houſe to be delivered openly.

Feb. 21, 1606. Upon this Report it was much diſputed in the Houſe, whether it were fit to handle the Point of Conveniency before the Point of Law in the Caſe of Naturalization in general were determined, and the Opinion was not to be fit.

'It

'It was delivered for a Rule, That no Judgment, but upon a Bill; Opinion, without a Bill.

'*March* 3, 1606. Ordered, upon Mr. Speaker's Motion, That when they proceed to the Amendment of any Bill committed unto them, they ſhould alſo amend the Brief annex'd, and make it agree with the Bill.

'*May* 5, 1607. The Counſel in the Bill touching the *Marſhalſea* Court were ordered for hearing, and it was queſtioned (as now the State of the Bill was) whether the Counſel *pro* or *contra* ſhould begin firſt: After ſome Diſpute, affirmed by Mr. Speaker, That, upon the Report againſt the Bill, the Counſel *pro* ought to be firſt heard; yet upon the Queſtion, and ſome Circumſtances opened, reſolved, It ſhould be now received as *Res integra*, and the Counſel againſt the Bill (according to the known Rule) be firſt heard.

'*April* 11, 1611. 12 *Jac.* Sir *Edwin Sandys* moved, That no Bill may be read the ſecond Time untill half an Hour paſt Eight, and the third Time be paſt Nine o'Clock; and it was ordered accordingly.

'*Feb.* 7, 1620. 18 *Jac.* No Bills to be put to paſs till paſt Nine of the Clock, and Notice to be given a Day before that Bills ſhall be paſſed the next Day; and both ordered.

'*March* 12, 1620. Reſolved, That a Bill, and other public Bills, may be ſecondly read by half an Hour after Eight o'Clock.

'*March* 15, 1620. Ordered, That, upon the committing of every Bill of Grace, the Clerk ſhall deliver to the Committee the Note of all his Books concerning that Buſineſs, and the old Draught of it, which was laſt Meeting in Parliament, if it be to be had.

'*May* 26, 1621. 19 *Jac.* A Proviſo in Paper, admitted for a Rule, that not being in Parchment it might not be put to the Queſtion.

'*May* 28, 1621. An eſſential Order, That the Amendments be twice read.

'*May* 30, 1621. An eſſential Order, A Proviſo from the Lords to be read thrice, tho' the Bill come

from

from the Lower Houſe; and, by Vote of the Houſe, to paſs as a Law.

'*Nov.* 29, 1621. Reſolved, That when any Bill is committed one ſhall be named to take the Bill.

'*March* 26, 1626. 1 *Car.* Mr. *Haynes* tendereth a Proviſo, engroſſed in Parliament for the City of *Exon.*

'Mr. *Banks* having, upon the ſecond Reading of this Proviſo, ſpoken to it; and the Proviſo being thirdly read, he offered to ſtand up again and ſpeak, and was by divers interrupted, becauſe he had ſpoke before; but,

'Reſolved by the Houſe, That, upon a new Reading, he may ſpeak again.

'*Jan.* 20, 1627. 4 *Car.* Ordered, That, upon the committing every public Bill, one of the Committee be ſpecially named by the Houſe to take Care of the Bill.

'*Dec.* 5, 1640. Ordered, That no Bills have their ſecond Reading but between Nine and Twelve o'Clock.

'*July* 16, 1642. A Bill brought from the Lords, delivered by the Meſſengers without reading the Title, which ought to have been done, at which the Houſe took Offence; but, in regard of the great Buſineſs, the Houſe took no more Notice of it at this Time.

'*May* 11, 1644. Reſolved, That it is an unparliamentary Way to ſend down Reaſons in another Paper, to any Bill or Ordinance, at the firſt Beginning of ſending down any Bill or Ordinance.

'*Auguſt* 24, 1644. Ordered, That whatſoever Ordinance ſhall be committed by this Houſe, ſhall, after the Return from the Commitment, be read the third Time before it paſs from thence to be ſent to the Lords.

'*May* 2, 1651. Reſolved, upon the Queſtion, and the Parliament doth declare, That it is the Order of this Houſe, that no Act ought to be preſented to this Houſe without a Brief thereof to be given to the Speaker; and that Mr. Speaker ought not to open any Bill, nor command the ſame to be read, unleſs a Brief thereof be firſt delivered unto him; and

nd that the ſaid Order be from henceforth duly obſerved accordingly.

'*April* 3, 1663. Ordered, That the Reporter who does report the Amendments to any Bill do, after the ſame are agreed to by the Houſe, ſee that the ſame be duly entered in the Bill, that the Bill may be rightly ingroſſed.

'*Oct.* 26, 1667. Ordered, That no ingroſſed Bill be brought in to be read till the ſame be examined by the Chairman of the Committee, to whom it was referred, and the Clerk of the Houſe.

'*March* 5, 1669. Ordered, That all Bills ſhall receive Diſpatch in Priority and Order of Time as they were brought in, and have been depending.

Orders touching bringing in and paſſing Bills of Aid and Supply.

'*July* 12, 1641. Mr. *Maxwell* came down and acquainted this Houſe, That the Lords did deſire them to come up to the Paſſing of the Bill of Tonnage and Poundage by Commiſſion.

'Meſſage to the Lords by Sir *Henry Vane:*

'To acquaint the Lords, That this Houſe being informed, by the Black-Rod, that their Lordſhips deſired this Houſe to come to the Paſſing of the Bill of Tonnage and Poundage, do deſire that, in regard it is a free Gift of the Commons of *England*, and the Speaker of the Houſe of Commons ought to preſent the ſame, their Lordſhips would be pleaſed to ſend the Bill to this Houſe.

'Sir *Henry Vane*'s Anſwer of the Meſſage to the Lords:

'That their Lordſhips had taken it into Conſideration, and will ſend Anſwer by Meſſengers of their own.

'*Note*, There is no Entry of any Anſwer ſent, nor Return of the Bill: But,

'*Aug.* 16, 1641. A Meſſage from the Lords by Sir *Robert Rich* and Mr. *Page:*

'The Lords ſent them to give Notice, That now the Commiſſion is come for giving the King's Royal Aſſent to the Bill of Tonnage and Poundage, when this Houſe ſhall be ready to bring it up.

'Anſwer returned by the ſame Meſſengers, That this Houſe has taken into Conſideration their Lord-

ſhips Meſſage, and return this Anſwer; That they ſhall be ready to bring up that Bill when their Lordſhips ſhall pleaſe to ſend them Word that they deſire they would bring it up.

'The Gentleman-Uſher of the Lords' Houſe came and acquainted the Houſe, That the Lords are ready to give his Majeſty's Royal Aſſent, by Commiſſion, to the Bill of Tonnage and Poundage; and deſire that the Speaker, and this Houſe, would bring up the ſaid Bill.

'*Jan.* 26, 1641. It was declared and acknowledged to be againſt the Fundamental Orders of the Houſe, for any Member of the Houſe, without ſpecial Order of the Houſe, to bring in a Bill of Subſidy.

'*March* 26, 1642. The Bill of Subſidy being to be paſſed by Commiſſion, reſolved, upon the Queſtion, That the Houſe being deſired by the Lords to be preſent at the paſſing of the Bill of 40,000*l.* by Commiſſion, that Mr. Speaker ſhould go up, and if the Bill be delivered to Mr. Speaker before the Commiſſion be read, that then he ſhall have Leave to preſent it to be paſſed; but if the Lords ſhall not deliver the Bill to Mr. Speaker's Hands accordingly, that then he ſhall immediately return.

'*Nov.* 2, 1643. Ordered, That no Ordinance ſhall be brought in but with a Brief unto it; and that the Party that brings in an Ordinance ſhall bring in the Brief, and Mr. Speaker open the Ordinance; and that no Member ſhall bring in any Ordinance to charge the Subject, or raiſe any Money upon the Country, without an Order precedent in the Houſe to direct the ſaid Charge; and that Mr. Speaker do not permit any Ordinance to be read without ſuch Brief, nor after Twelve o'Clock, unleſs it ſhall be otherwiſe directed by the Houſe.

'*Nov.* 10, 1645. Ordered, That no Ordinance be brought in to charge the Subject, or to give any Thing from the Commonwealth, without ſpecial Order of the Houſe firſt directing the ſame.

'*May* 25, 1648. Reſolved, That no Motion be made for raiſing of new Forces or Monies for the

the ſame, but between the Hours of Ten and Twelve o'Clock.

'*Feb.* 18, 1667. Reſolved, That if any Motion be made in the Houſe for any public Aid or Charge upon the People, the Conſideration and Debate thereof ought not preſently to be entered upon, but adjourned till ſuch farther Day as the Houſe ſhall think fit to appoint; and then it ought to be referred to the Committee of the whole Houſe, and their Opinions to be reported thereupon, before any Reſolution, or Vote of the Houſe, do paſs therein.

'*April* 3, 1671. The Houſe then proceeded to the Reading the Amendments and Clauſes ſent from the Lords, to the Bill for an Impoſition on foreign Commodities, which were once read; and the firſt Amendment ſent from the Lords, being for changing the Proportion of the Impoſitions on white Sugars from 1*d. per* Pound to an Half-penny Halfarthing, was read a ſecond Time, and debated.

'Reſolved, *Nem. Con.* That in all Aids given to the King, by the Commons, the Rate or Tax ought not to be altered by the Lords.

Nov. 3, 1673. A Debate ariſing in the Houſe, touching the antient Order and Courſe of the Houſe, in the Method of raiſing Supplies, and concerning the Precedency of the leſſer Sum, the Houſe, upon the Queſtion, did reſolve and declare it an antient Order of the Houſe, That when there comes a Queſtion between the greater and leſſer Sum, or the longer or ſhorter Time, the leaſt Sum and the longeſt Time ought firſt to be put to the Queſtion.

July 3, 1678. Mr. Sollicitor-General reports from the Committee to whom it was, amongſt other Things, referred to prepare and draw up a State of the Rights of the Commons in granting of Money, a Vote agreed by the Committee, which he read in his Place, and afterwards delivered the ſame in at the Clerk's Table, where the ſame was read, and, upon the Queſtion, agreed, and is as follows:

'Reſolved, That all Aids and Supplies granted to his Majeſty in Parliament are the ſole Gift of the

Commons; and all Bills for granting ſuch, if any ſuch, Aids and Supplies ought to begin with the Commons; and it is the undoubted and ſole Right of the Commons to direct, limit, and appoint, in all ſuch Bills, the Ends, Purpoſes, Conſiderations, Conditions, Limitations, and Qualifications of ſuch Grants, which ought not to be changed, or altered, by the Houſe of Lords.

'*Feb.* 17, 1693. Reſolved, That no Member of the Houſe of Commons ſhall be concerned, directly or indirectly, in the farming, collecting, or managing of the Duties to be collected by this Bill, or any other Aid to be granted to their Majeſties, other than the preſent Commiſſioners of the Treaſury, and the Officers and Commiſſioners for managing the Cuſtoms and Exciſe.

'*Dec.* 11, 1706, 5 *Annæ*. Reſolved, That this Houſe will receive no Petitions for any Sum of Money relating to public Service, but what is recommended from the Crown.

'Declared a Standing Order *June* 11, 1713.

'*March* 29, 1707. Reſolved, That this Houſe will not proceed upon any Petition, Motion, or Bill for granting any Money, or relating to, or compounding, for any Sum of Money owing to the Crown, but in a Committee of the whole Houſe; and that the ſame be declared a Standing Order of the Houſe.

'Revived *April* 14, 1707.--*Feb.* 7, 1708; and *Nov.* 29, 1710.

'*Feb.* 24, 1707. Reſolved, That no public Money be granted by Debentures, or otherwiſe, but by a Committee of Supply.

'Reſolved, That no Diſpoſition of the Public Money be made, or private Bill relating to the ſame read, but on a Day to be appointed for that Purpoſe.

'*April* 23, 1713. 13 *Annæ*. Reſolved, That this Houſe will not receive any Petition for compounding for any Sum of Money owing to the Crown, upon any Branch of the Revenue, without a Certificate from the proper Officer, or Officers, annexed to the ſaid Petition, ſtating the Debt; what Proſecutions have been made for the Recovery of ſuch Debt, and

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ſetting forth how much the Petitioner and his Sureties are able to ſatisfy thereof. Made a Standing Order *March* 25, 1715.

'*March* 7, 1725. Reſolved, That this Houſe will receive no more Petitions for enabling his Majeſty to ſell the Reverſion of Crown Lands.

Orders touching bringing in and paſſing public Bills, *viz.* Poor, Trade, Highways, Ports, and Harbours.

July 26, 1641. Ordered, That no public Bill ſhall paſs but between Nine and Twelve o'Clock; and that if any Man ſhall move the Members of the Houſe contrary to that, he ſhall incur the Cenſure of the Houſe.

'*March* 7, 1699. Ordered and declared, That all Bills relating to the Poor be deem'd and taken to be public Bills, and paſs without Fees for the ſame. The ſame *Feb.* 25, 1700.

'*Nov.* 9, 1703. Reſolved, That no Bill relating to Trade, or the Alteration of Law concerning Trade, be brought into the Houſe untill the Propoſition ſhall have been firſt examined and debated in the Grand Committee for Trade, and agreed unto by the Houſe.

'*March* 13, 1716. Reſolved, That no Bill be ordered to be brought in on any Petition for repairing and amending any Highway, or for making or cleanſing any Port or Harbour, or for making any River navigable, or for any other Work propoſed to be carried on, by Tolls or Duties to be levied on the Subject, in particular Places, till ſuch Petition has been reported, and referred to a Committee, and they have examined the Matter thereof, and reported the ſame to the Houſe.

'*Feb.* 28, 1734. Ordered, *Nem. Con.* That the ſaid Reſolution be a Standing Order of the Houſe.

Orders touching bringing in and paſſing private Bills.

'*Dec.* 13, 1644. Ordered, That no private Ordinance do paſs this Houſe, or be tranſmitted to the Lords, untill the Parties that are concerned therein do firſt pay ſuch Fees for the ſame unto Mr. Speaker, the Clerk, Serjeant, and others belonging to the ſaid Houſe, as hath uſually been paid upon the paſſing of private Bills; and all Members that, from

any Committee, or otherwiſe, do preſent any Ordinance, wherein the Advantage or Benefit of any private Perſon is concerned, are deſired to take Notice of this Order, and to acquaint the Perſons that are, or ſhall be, concerned herewith; and to appoint them firſt to pay ſuch antient and accuſtomed Fees, as aforeſaid, to Mr. Speaker, the Clerk, and other the Officers of the ſaid Houſe.

'*Dec.* 7, 1660. Reſolved, That private Bills and Buſineſs be proceeded in daily, till Nine o'Clock, in ſuch Order as the Houſe ſhall think fit; and that the Debate of ſuch of them, as ſhall not be diſpatched at the Hour of Nine, ſhall be adjourned till the next Day.

'*March* 26, 1678. Ordered, That in all private Bills, for the future, a Clauſe be inſerted, That the Truſtees therein named ſhall be obliged to ſee the Truſts in the ſaid Bill performed, or be liable to the ſame out of their own Eſtates.

'*May* 26, 1685. Ordered, That, for the future, no private Bill be brought into this Houſe, but upon a Petition firſt preſented, truly ſtating the Caſe, at the Peril of the Parties preferring the ſame; and that ſuch Petitions ſhall be ſigned by the Parties who are Sureties for ſuch Bill.

'Made a Standing Order. *Nov.* 24, 1699.

'*Nov.* 14, 1689. A Debate ariſing touching the Manner how Petitions ought to be ſigned, reſolved, That all Petitions preſented to the Houſe ought to be ſigned by the Petitioners, with their own Hands, by their Names or Marks.

'*May* 6, 1690. Ordered, That no ingroſſed Bill be brought to the Table to be read the third Time, but by the Chairman of the Committee to whom that Bill was committed, after he hath examined the ſame.

'*May* 13, 1690. Ordered, That when any Bill ſhall be brought into this Houſe, for confirming Letters Patent, there be a true Copy of ſuch Letters Patent annexed to the Bill; and that this be declared a Standing Order of this Houſe for the future.

'*Nov.*

'*Nov.* 24, 1691. Ordered, That no private Bill be proceeded upon after Ten o'Clock.

'Revived *Feb.* 4, 1692.—Enlarged untill Eleven o'Clock, *Feb.* 16, 1692.—*Nov.* 24, 1699.

'*Dec.* 10, 1692. Ordered, That every Member, preſenting any Bill or Petition to this Houſe, do go from his Place down to the Bar of the Houſe, and bring the ſame up from thence to the Table.

'*Jan.* 21, 1695. Ordered, That every private Bill have a Day appointed for reading thereof before the ſame be read.

'*Jan.* 15, 1697. Ordered, That, upon the firſt Reading of every private Bill, a Time be appointed for a ſecond Reading.

'*April* 6, 1698. Ordered, That no private Bill be read the third Time before Eleven o'Clock.

'*March* 31, 1698. Ordered, That the Chairman of the Committee, upon the Report of every private Bill, do acquaint the Houſe, That the Allegations of the Bill have been examined; and that the Parties concerned have given their Conſents to the Satisfaction of the Committee; and that the ſame be a Standing Order of the Houſe.

'Revived *Feb.* 15, 1700.—*Jan.* 18, 1708.

'Ordered, That there be three Days between the ſeveral Readings of all private Bills. Made a Standing Order *Feb.* 15, 1700.—*Jan.* 18, 1708.

'Ordered, That the Chairman of the Committee, for any private Bill, do not ſit thereupon, without a Week's Notice thereof ſet up in the Lobby. Declared a Standing Order *Feb.* 15, 1700.—*Jan.* 18, 1708.

'*Jan.* 15, 1705. Ordered, That all Perſons concerned in Intereſt in private Bills, in caſe they are able, do perſonally attend the Committee to give their Conſents; and if they are not able perſonally to attend, that they give Certificates of their Conſents, to be proved by one or more Witneſſes before the Committee.

'*Nov.* 12, 1705. Ordered, That all private Bills brought into this Houſe be printed, and that they be

printed

printed after they are preſented to the Houſe, and before the firſt Reading.

'Revived *Dec.* 12, 1706.--*Dec.* 20, 1708.--*Nov.* 30, 1709. Made a Standing Order *March* 5, 1722.

'*Feb.* 6, 1707. Reſolved, That all Perſons, intending to apply themſelves to the Parliament of *Great-Britain* for obtaining private Bills relating to Eſtates in *Ireland*, do, from henceforth, give public Notice of their ſaid Intention, by affixing printed Papers, ſetting forth their Pretenſions in each of the four Courts of Juſtice in *Dublin*, during the whole Term which ſhall precede the Seſſion of Parliament, as alſo in the Chief Town wherein the Aſſizes are uſually kept in each County where the Lands ſhall happen to lie, for one Month at leaſt before the Bill be brought in.

'Reſolved, That there be thirty Days, at leaſt, between the firſt and ſecond Reading of every ſuch private Bill.

'Reſolved, That the ſaid Orders be declared to be Standing Orders of the Houſe.

'*March* 5, 1722. Ordered, That no private Bill be read before printed Copies thereof be delivered to the Members of the Houſe.

'Ordered, That the ſaid Order be a Standing Order of the Houſe.

Orders relating to Committees.

'*April* 12, 1604. 1 *Jac.* Upon Motion made touching the ſlow Proceedings and Diſpatch of ſuch Bills and Buſineſs as were depending in the Houſe, which grew, as was ſaid, by the Non-Attendance of ſufficient Numbers at Committees, it was ordered, That eight of any Committee, that do aſſemble, might proceed to a Reſolution in any Buſineſs in the Houſe.

'*May* 24, 1604. It being propoſed to the Houſe, Whether any of the Commiſſioners in the Matter of the Treaty concerning the Weal of both Kingdoms (ſubſcribing the Writings or Inſtruments in the Act mentioned) may, without Imputation or Prejudice, in Credit or Conſcience, have the Liberty and Freedom of Voice in Parliament, notwithſtanding the

the ſaid Subſcription, the Houſe thereupon reſolved, That no Man is, or ought to be, concluded in his Opinion by any ſuch Subſcription; but, as in caſe of other Committees, hath, and may have, his Liberty in the Houſe to aſſent or diſſent, as he ſhall ſee juſt Cauſe, the next Seſſion of Parliament.

'*Feb.* 11, 1606. Ordered, That the Adjournment of any Committee amongſt themſelves ſhould be publiſhed the next Day in the Houſe.

'*March* 7, 1606. Mr *Hedley*, being aſſigned with the reſt for the Point of Aſſurance, excuſeth himſelf, in that he was directly againſt the Matter itſelf in Opinion thereupon.

'Conceived for a Rule, That no Man was to be employed that had declared himſelf againſt it.

'*April* 18, 1614. Moved, That the Clerk may ſet upon the Houſe Door, that Morning, the Orders for Committees to ſit that Day; and ordered.

'*April* 19, 1621, 19 *Jac.* Ordered, That no Petition be received, but openly at the Committee; and to be openly read at the Committee before the Party go that preferreth it, and the Party's Name that ſo preferreth it.

'The appointing of the Chair, at the Committee, referred to the Direction of the Committee.

'*May* 11, 1621. Reſolved, by the Houſe, That, when limited, all that will come ſhall have Voice; that they, in that Caſe, if they come, are Committees as well as thoſe nominated.

'*May* 2, 1624, 22 *Jac.* Ordered, That no Committee ſhall ſit after Eight o'Clock, Sitting the Houſe, without ſpecial Order.

'*April* 25, 1627, 4 *Car.* Reſolved, upon the Queſtion, That, upon the Meetings of any Committees, thoſe that are Committees ſhall have Place given them, that they may the better diſcharge the Service committed to their Truſt.

'*Jan.* 30, 1627, 4 *Car.* Ordered, upon the Queſtion, That no Man go out of the Houſe, during the Sitting of the Grand Committee, without Licence of the Committee, upon Pain of Cenſure of the Houſe. The ſame Order *Feb.* 19 and 20, 1627.

'Nov.

'*Nov.* 9, 1640. Moved, That every Man that names any Man for a Committee ſhall ſtand up, and, being uncovered, name the Party.

'*Nov.* 10, 1640. It was declared, That, at the naming of a Committee, if any Man riſe up to ſpeak the Clerk ought not to write.

'*April* 21, 1641. Ordered, That the Doors ſhall be locked at the Committee, and the Keys brought up; and that no Man ſhall go out without Leave of the Committee.

'*June* 28, 1641. *P. M.* Declared, That ſo ſoon as the Houſe ſits, and the Serjeant comes to any Committee then ſitting, to ſignify unto them that the Houſe is ſitting, that the Chairman ſhall immediately come away.

'*July* 28, 1641. *P. M.* The Petition of *Theophilus Man* read, touching the Reſolution of the Committee where Mr. *King* hath the Chair, and ſigned by him; whereby Mr. *Man* is voted not to take any Fees (by virtue of his Office as Searcher) till further Order.

'Declared by the Houſe, That no Committee ought, by Vote, to determine the Right and Property of the Subject, without firſt acquainting the Houſe therewith.

'*Aug.* 6, 1641. *P. M.* Reſolved, upon the Queſtion, That no Vote paſſed at a Committee of this Houſe, and not reported nor confirmed by the Houſe, ſhall be any Rule or Direction, in any Court of Juſtice in *Weſtminſter* Hall, to ground any Proceedings upon.

'*Oct.* 17, 1641. Ordered, That no Committee whatſoever ſhall be revived to ſit without a new Order from the Houſe, made after Eleven o'Clock; and that no Parties, or Witneſſes, ſhall attend without new Summons.

'*April* 30, 1642. Ordered, That the ſeveral Chairmen of the ſeveral Committees be required to ſet up Notes at the Door, of the Times and Places when the ſeveral Committees do meet.

'*Feb.* 12, 1648. Ordered, That no Committee of the Houſe do ſit in the Morning after Nine o'Clock; and

and the Houſe to be enjoined to meet every Day at Nine in the Morning.

'*Dec.* 20, 1650. Reſolved, That ſuch Committees of the Houſe (who ſhall have Occaſion to call any other Perſons to attend them upon any Bill, or other Buſineſs, to them referred) do, from henceforth, forbear to ſit in any of the Rooms within the Doors of the Parliament-Houſe, called the Speaker's Chamber; but that they ſit in ſuch other Place as they ſhall think fit.

'*May* 1, 1651. Reſolved, That every Order that ſhall be made by any Committee of Parliament ſhall, from henceforth, be ſigned by ſo many, at the leaſt, of the Members of that Committee, as are of the *Quorum* of that Committee.

'*Jan.* 21, 1657. Ordered, That the Names of the ſeveral Committees be ſet up, without at the Door of this Houſe, by the Clerk of this Houſe, Tomorrow Morning.

'*May* 26, 1660. Ordered, That the Standing Committees of this Houſe be poſted up at the Door of this Houſe, that Perſons may take Notice where they ſit.

'*May* 14, 1661. The Bill for ſecuring the King's Perſon committed.

'Reſolved, upon the Queſtion, That no Member of this Houſe, who is not of this Committee, is to have any Vote thereat.

'*May* 24, 1661. A Bill for draining the Fens committed.

'Reſolved, That no Member within the ſix Counties, (into which the great Level of the Fens doth extend) nor any other Members of this Houſe, who are Undertakers, or concerned, in Point of Intereſt, as Adventurers or Undertakers herein, though particularly named, do ſit, or have any Vote at the Committee to whom the two Bills concerning the great Level of the Fens were, upon the ſecond Reading, this Day committed. This Order rectified *May* 28, 1661.

'Ordered, That all the Members of the ſix Counties, and all other Members of that, ſaving ſuch as

are

are concern'd, in particular Intereſt, as Owners, Undertakers, or Adventurers, are to have Voice at the ſaid Committee. The ſame Order extended *November* 26, 1661.

'Ordered, That no Members of the ſaid Committee, that are Owners, Undertakers, or Adventurers, or otherwiſe concern'd, in Point of Intereſt, in the Fens in Queſtion, ſhall have any Vote thereat.

'*May* 20, 1663. Ordered, That it be declared to be the antient Order and Courſe of the Houſe, That when any Bill be committed, no private Member ought to take it away; but the Clerk of the Houſe, or his Deputy, is to attend with the Bill, and Order, at the Time and Place appointed for the firſt Meeting of the Committee, and deliver the ſame in at the Committee after the Chairman is choſen.

'*March* 16, 1688. Mr. *Foley*, Chairman of the particular Committee for the Grievances, acquaints the Houſe, That there have ſeveral Matters appeared to the Committee, relating to ſome Perſons, Members of this Houſe; and that therefore he was directed, by the Committee, to take the Directions of the Houſe what was fit to be done therein, and a Debate aroſe thereupon.

'Reſolved, That if any Member of the Houſe refuſes (upon being ſent to) to come to give Evidence, or Information, as a Witneſs to a Committee, That the Committee ought to acquaint the Houſe therewith, and not ſummon ſuch Members to attend the Committee.

'Reſolved, That if any Information come before any Committee, that chargeth any Member of the Houſe, the Committee ought only to direct, That the Houſe be acquainted with the Matter of ſuch Information, without proceeding further thereupon.

'*March* 13, 1693. Reſolved and declared, That it is the conſtant Rule and Order of the Houſe, That no Committee ought to ſit, after the Hour to which the Houſe is adjourned, without the ſpecial Order of the Houſe.

'Revived *March* 6, 1695.

'No

'*Nov.* 19, 1694. Ordered, That no Committee ſit, in a Morning, without ſpecial Leave of the Houſe.

'Revived *February* 9, 1697; and *November* 29, 1710.

'*March* 8, 1694. Ordered and declared, That a Motion for adjourning of Committees may be made after One o'Clock.

'*Feb.* 18, 1697. Ordered, That no Committee, who ſhall have Leave to ſit in a Morning, do ſit after Ten o'Clock.

'Revived *March* 1, 1698.

'*April* 19, 1699. Ordered, That no Committee do meet, at any Time, untill two Hours after the Riſing of the Houſe.

'*Nov.* 24, 1699. Ordered, That the Chairman of the Committee, upon the Report of every private Bill, do acquaint the Houſe, Whether the Allegations of the Bill have been examined, and the Parties concerned have given their Conſents to the Satisfaction of the Committee.

'Ordered, That the Chairman of the Committee for any private Bill do not ſit thereupon, without a Week's Notice thereof ſet up in the Lobby. Declared to be Standing Orders *Feb.* 16, 1700; and *Jan.* 18, 1708.

'*Jan.* 18, 1698. A Complaint having been made to the Houſe, That there have been, of late, great Numbers of Strangers at the Committee of Privileges and Elections, that the Members cannot, *&c.* ordered, That the Serjeant at Arms, attending this Houſe, do give Orders to the Door-keepers, and Meſſengers of the Houſe, conſtantly to attend the Committee of Privileges and Elections, and other Committees ſitting in the Houſe; and take Care that no Perſon do croud, or ſit upon the Seats of the Houſe, either below or above in the Gallery, where the Members ought to ſit; and that ſuch Witneſſes as ſhall be examined at the ſaid Committee do attend in the Lobby, and be called in one by one, and ſeverally examined, and then withdraw for others to come in and be

be examined; and that the Paſſage be kept clear for that Purpoſe.

'Revived, and made a Standing Order of the Houſe, *Dec.* 16, 1699; and *Dec.* 8, 1711.

'*Jan.* 29, 1699. Ordered, That the Order touching Committees being adjourned, at the Riſing of the Houſe, do extend only to ſuch Committees as are to ſit in the Afternoons of the Days upon which Committees ſhall be adjourned.

'*Feb.* 28, 1699. Ordered, That all Committees who ſhall ſit in a Morning do riſe when the Houſe ſits; or, in Default thereof, that what they ſhall do after the Sitting of the Houſe be void.

'Revived *Feb.* 3, 1701.

'*March* 11, 1700. Reſolved, That in caſe (upon the Days the Committee of Privileges and Elections is to ſit) there ſhall be a Debate in the Houſe, which holds till Four o'Clock, the ſaid Debate ſhall be then adjourned till a further Day.

'*Nov.* 28, 1707. Ordered, That no Committee do meet, or ſit, in a Morning, after Prayers; and that all that ſhall be done at any Meeting or Sitting of any Committee, after that Time, be void; and that Mr. Speaker do, from Time to Time, acquaint the Houſe with ſuch Committees as ſhall not obſerve this Order.

'*Feb.* 10, 1730. Ordered, That the Serjeant at Arms, attending this Houſe, do, from Time to Time, when the Houſe is going to Prayers, give Notice thereof to all the Committees; and that all Proceedings of Committees, in a Morning, after ſuch Notice be declared, be null and void.

Orders touching Conferences.

'*March* 26, 1604, 1 *Jac.* Noted, as an antient Rule of the Houſe, That, upon any Conference, the Number of the Commons named for the ſaid Conference are always double to thoſe of the Lords; and the Place of Meeting appointed by the Lords.

'*April* 2, 1604. Two Queſtions ariſing, *viz.* *Firſt*, Whether the Houſe were reſolved in the Matter?

'*Secondly*,

'*Secondly*, Whether they ſhould confer with the Judges?

'And the Houſe being at length induced to entertain the latter Queſtion, it was carried, by general Voice, in the Negative, No Conference.

'Upon this Paſſage it was urged for a Rule, That a Queſtion being once made, and carried in the Affirmative, or Negative, cannot be queſtioned again; but muſt ſtand as a Judgment of the Houſe.

'*March* 15, 1620, 18 *Jac.* Reſolved, That in preſcribing of Conferences between both Houſes moving from the Lords, they have done it verbally upon the Lords Report, entered into their Journal-Book; yet now order for the Houſe to afford the Lords the Expite about the Buſineſs, becauſe it conſiſts of ſo many Heads; but Sir *Edward Coke* to move the Lords this may not hereafter be taken for Precedent. *Vide* the Report. [a]

'*May* 12, 1627, 4 *Car.* Ordered, That all the Gentlemen give Room to the Reporters.

'*Aug.* 3, 1641. Ordered, That Sir *John Evelyn*, Mr. *Stroude*, and Mr. *Nichols*, are to go and take the Names of ſuch Members as do now ſtay behind in the Painted Chamber; and likewiſe it is ordered, That ſuch of the Members, whoſe Names are returned by them, ſhall pay Five Shillings a-piece; and that the Clerk ſhall demand the Five Shillings of the ſaid Gentlemen accordingly.

'*Feb.* 26, 1643. Ordered, That Sir *Thomas Cheeke* do deſire the Earl of *Stamford* to forbear coming to the Committees of this Houſe, it being contrary to the Privilege of the Houſe.

'The Lords' Order, *Feb.* 21, 1647, Declaring the Right of every Peer to come to any Committee of both or either Houſe, and in particular to the Committee of both Kingdoms, being read, and Conference deſired of the Lords thereon; a Declaration was ordered to be offered, whereby they may expreſs the Reſentment the Houſe has of the Proceedings of the Lords herein.

'*Aug.*

[a] The above is unintelligible, but is ſtrictly agreeable to the Original; and the Editor would not [illegible] to reſtore the Senſe to many Corrupt Paſſages of this Work.

'*Aug.* 25, 1660. Ordered, That the Serjeant at Arms, attending this Houſe, ſuffer none to go out of the Houſe till thoſe that are to manage the Conference are gone forth.

'*Aug.* 2, 1661. The Lords deſire a preſent Conference, by a Committee of both Houſes, preſently in the Painted Chamber, if it may ſtand with the Conveniency of this Houſe.

'Anſwer returned by the ſame Meſſengers, That this Houſe has taken their Lordſhips Meſſage into Conſideration; and will return an Anſwer by Meſſengers of their own.

'Mr. *Pymme* went up to the Lords with this Meſſage; Whereas this Houſe has received a Meſſage from their Lordſhips, for a preſent Conference, without any Expreſſion of the Subject or Matter of the Conference, which is contrary to the conſtant Courſe of either Houſe, and therefore this Houſe cannot yield to a preſent Conference.

'*Feb.* 6, 1688. The Houſe being informed, That there was ſo great a Croud in the Painted Chamber that the Members appointed to manage the free Conference could not come to the Bar, ordered, That the Serjeant at Arms, attending this Houſe, do go immediately (without the Mace) to the Painted Chamber, and require the preſent Return, to this Houſe, of all the Members thereof who are in the Painted Chamber, (except Serjeant *Maynard*, Sir *Robert Howard*, and Mr. *Pollexfen*, who are at preſent lame) in order to the Room's being cleared of Strangers.

'The Houſe being informed, by the Serjeant at Arms, That he had acquainted the Members with the Order of the Houſe, and that very few of them took Notice of the Direction of the Houſe, ordered, That the Clerk of this Houſe do go immediately with the Signet, and take the Names, in Writing, of ſuch Members as ſhall refuſe to obey ſuch the Direction of the Houſe.

Jan. 16, 1702. Ordered, That no Members do preſume to ſtand within the Bar at the Table in the Painted Chamber, but ſuch as are appointed Managers,

Managers, and the Serjeant to ſummon the Members to attend the Houſe.

Ordered, That no Members do preſume to go out of the Houſe, till the Managers are gone out for the free Conference, and untill Mr. Speaker do leave the Chair.

Orders touching Meſſages from the King and the Lords.

'*May* 5, 1604. Agreed for a Rule, That if we differ from the Deſire of the Lords propounded by their Meſſengers, then we are to ſend by our Meſſengers.

'*Feb.* 14, 1606. On a Meſſage from the Lords, it was conceived as a Rule, when we yield to them, we might ſend Anſwer by ſuch Meſſengers as come from the Lords; if not, then to ſend by our own.

'*May* 11, 1610. Great Debate touching the Speaker's bringing Meſſages from the King:

'Whereupon reſolved, That this Manner of receiving a Meſſage from the whole Body of the Council by Mr. Speaker, ſhould be no Precedent hereafter.

'The Order allowed to be entered, *May* 12, 1610.

'*Feb.* 15, 1620, 18 *Jac.* When the Meſſengers deliver the Meſſage, none ought to ſpeak to them, to ſpeak out. Agreed to be the Courſe of the Houſe, not to ſpeak to them; for Mr. Speaker is to relate it to the Houſe.

'*March* 10, 1620, 18 *Jac.* A Meſſage from the King by Mr. Attorney-General, *&c.*

'Reſolved, That Mr. Attorney-General ſhould come up to the Table, and Mr. Speaker and the whole Houſe to be bare whilſt the Meſſage was delivered.

'*April* 10, 1641. Notice being given of a Meſſage from the Lords, it was ordered, That all the Members keep their Seats, and go not out without Leave.

'Nor ſpeak to the Meſſengers, *May* 3, 1641.

'Nor ſpeak to the Meſſengers coming in, or going out, *Jan.* 27, 1641.

'*Aug.* 31, 1641. A Meſſage from the Lords, by Dr. *Bennet* alone.

'Exception being taken, That the Lords ſent but one Meſſenger, it was declared, That it was the antient Right of this Houſe to have two Meſſengers ſent from the Lords, to this Houſe, upon all Occaſions; however, at this Time, the Houſe was willing to paſs it over.

'*May* 22, 1645. Ordered, That after Notice ſhall be given to Mr. Speaker of any Meſſage from the Lords, that no new Motion of any Buſineſs whatſoever ſhall intervene; but that the Meſſengers ſhall be preſently admitted after that the Buſineſs, then in preſent Agitation, ſhall be diſpatched.

'*Oct.* 25, 1645. Reſolved, That the Meſſengers from the Lords be always called in immediately after that the Buſineſs, then in preſent Agitation, ſhall be concluded; and that no other new Buſineſs whatſoever intervene between that Buſineſs and the Admiſſion of the Meſſengers.

'*Sept.* 11, 1648. Ordered, That when Meſſengers are ſent from the Lords to this Houſe, as ſoon as the Buſineſs in Agitation, when the Meſſengers come, is ended, then the Meſſengers from the Lords to be called in.

Orders for the Sitting of the Houſe in a Morning, and Riſing, and Members coming after Prayers to pay, and touching keeping Places in the Houſe.

'*Feb.* 14, 1606. An Order moved and ſettled, That the Houſe ſhould aſſemble every Day at Eight o'Clock; and enter into the great Buſineſs at Nine o'Clock.

'*May* 23, 1614, 12 *Jac.* Ordered, That the Houſe ſhall ſit every Day at Seven o'Clock in the Morning; and to begin to read Bills, ſecondly, at Eight o'Clock.

'To meet at half an Hour after Seven; and Bills to be put to Paſſage by Eight o'Clock, *April* 24, 1624, 22 *Jac.*

'*Nov.* 26, 1640. Ordered, That neither Book nor Glove may give any Man Title or Intereſt to any Place, if they themſelves be not at Prayers.

'*May* 1, 1641. Ordered, That all the Members of this Houſe, that ſhall come to the Houſe after Eight

Eight o'Clock, ſhall pay 1*s.* except it ſhall appear to the Houſe that they are employed in the Service of this Houſe to be diſpoſed of as the Houſe ſhall think fit, and the Serjeant is to gather this Money; and if any Member ſhall forbear to come for the whole Day, he ſhall pay 5*s.* unleſs he have Licence from this Houſe, or be ſick, or be in the Service of the Houſe.

'*April* 19, 1642. Ordered, That whoſoever ſhall not be here at Prayers every Morning at Eight of the Clock, ſhall pay 1*s.* to the Poor; and every Member that ſhall come after Prayers, is ordered to pay 1*s.* to the Serjeant without any further Demand.

'*Feb.* 14, 1743. Reſolved, That the Houſe do meet every Day at Nine o'Clock and riſe at Twelve; and Mr. Speaker is to put the Houſe in Mind hereof; and that ſuch Members as come after Nine ſhall pay 1*s.* to the Poor; and that if any Member ſhall begin, or make a new Motion after Twelve of the Clock, he ſhall pay 5*s.* to be collected and diſpoſed of to the Poor.

'A Box is to be prepared and ſet up at the Door to this Purpoſe; and the Burgeſſes of *Weſtminſter* are to take Care that the Money be duly paid.

'*April* 22, 1646. Ordered, That whatſoever Member of the Houſe ſhall, during the Time the Houſe is at Prayers, continue either in the Committee-Chamber, or in the Judges Room, and ſhall not come and be preſent at Prayers, ſhall forfeit and pay, for every Time he ſhall ſo abſent himſelf, 1*s.* to be collected by the Serjeant at Arms, and to be diſtributed to the Poor.

'Revived *Jan.* 15, 1654; and *Nov.* 24, 1656.

'*March* 21, 1647. Ordered, That ſo ſoon as the Clock ſtrikes Twelve Mr. Speaker do go out of the Chair; and that the Houſe riſe, and no new Motion be made after Twelve o'Clock.

'*March* 23, 1649. Reſolved, &c. That every Member that doth not attend the Service of the Houſe at Nine o'Clock in the Morning, ſhall pay 1*s.* to the Poor; and the Serjeant to collect the ſame of all the Members that ſhall come after that Time.

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'*May* 31, 1659. Ordered, That Mr. Speaker do conſtantly, every Morning, take the Chair by Eight o'Clock; and that the Council of State, and Committees of this Houſe, do forbear to ſit in the Morning after Eight o'Clock, and do then give their Attendance on the Service of the Houſe; and that the Houſe do riſe every Day at Twelve o'Clock; and that no Motion be made after Twelve o'Clock; but that Mr. Speaker is hereby enjoined then to riſe.

'*April* 29, 1679. Reſolved, That this Houſe will every Day adjourn till Seven o'Clock the next Morning.

'*March* 24, 1679. Reſolved, That this Houſe will begin to ſit every Morning at Nine o'Clock; and that no new Motion be made after One o'Clock.

'The ſame Order for Motions *Nov.* 25, 1695.

'To proceed on Buſineſs at Ten o'Clock, *&c. Nov.* 2, 1696.

'*Nov.* 19, 1694. Reſolved, That this Houſe will, every Morning at Ten o'Clock, enter upon public Buſineſs; and that no private Buſineſs be proceeded upon after Ten o'Clock.

'*March* 10, 1734. Complaint being made to the Houſe, That Places were kept in the Houſe for Members who were not at Prayers, by laying Papers for that Purpoſe, declared, That no Member is to keep any Place in the Houſe, by Book, Glove, Paper, or otherwiſe, till after Prayers; and then only for himſelf.

'*March* 13, 1734. Reſolved and declared, That the Declaration of the Houſe of the 10th Day of this inſtant *March*, That no Member is to keep any Place in the Houſe, by Book, Glove, Paper, or otherwiſe, till after Prayers, and then only for himſelf, does not extend to a Member who takes a Place by and for himſelf only before Prayers, and leaves a Book, Glove, Paper, or other Mark of the ſame, provided ſuch Member be at Prayers.

'*Jan.* 29, 1741. The Houſe was moved, That the ſeveral Reſolutions of the Houſe of the 26th of *November*, 1640, and the 10th and 13th of *March*, 1734, relating to the Method of taking Places in the Houſe,

Houſe, might be read; and the ſame were read accordingly, and ordered to be printed in the Votes of the Day.

Orders touching private Buſineſs, Petitions, and Motions.

'*June* 28, 1610. Ordered, That if any Stranger prefer any Grievance, he muſt ſtand by at the Reading.

'*May* 12, 1627, 4 *Car.* Mr. *Burgeſs* ſends in a Petition; but it not being ſigned, the Houſe ſignified to him that brought it, by the Serjeant, That they could not meddle with it in that Reſpect.

'*Dec.* 4, 1640. Ordered, That the Buſineſs in Agitation being ended, no new Motion of any new Matter ſhall be made without Leave of the Houſe.

'*March* 23, 1641. Ordered, That no new Motion ſhall be made after Twelve o'Clock.

'*Jan.* 29, 1643. Reſolved, *&c.* That when any Motion is made in the Houſe for any Member, or other Perſon, for any Place or Office to be conferred upon them, That the Houſe ſhall take a Day's Time, requiſite to conſider of the ſame, before they make Order therein; and to be made in a full Houſe.

'*April* 1, 1644. Ordered, That no Member do offer to move, after Prayers are done, till the Miniſter that prayed be gone out of the Houſe.

'*May* 22, 1645. Ordered, That Mr. Speaker ſhall not hear any new Motion after Twelve of the Clock.

'*Oct.* 25, 1645. Ordered, That no new Motion of any Buſineſs whatſoever ſhall be made after Twelve o'Clock; and that Mr. Speaker ſhall not hear any new Motion after Twelve o'Clock, and the Houſe immediately to riſe; and that Mr. Speaker do then leave the Chair, unleſs the Houſe be in the Debate of a Buſineſs, or the Houſe otherwiſe order.

'Revived *March* 23, 1649.

'*Sept.* 23, 1646. Reſolved, That no private Petition, [illegible] to the Parliament, be printed before the ſame be read in the Houſe.

'*[illegible]* 1, 1646. Ordered, That the Order againſt [illegible] Petitions, before they are [illegible], be duly obſerved; and that

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the Serjeant, attending this Houſe, ſhall ſeize upon ſuch printed Petitions, in the Hands of any Perſons that ſhall deliver or diſperſe the ſame.

'*Oct.* 8, 1659. Reſolved, That no Perſon propounded, as to any Office of Profit or Truſt, ſhall be paſſed the ſame Day that he is propounded; and that Mr. Speaker put the Houſe in Mind thereof.

'Reſolved, That ſuch Perſons as ſhall preſent any Perſon to this Houſe, for any Place of Profit or Truſt, ſhall give in his Name under his Hand, and leave it with the Clerk of this Houſe; and that they believe him to be a Perſon within the Qualification of the 9th of *May*, 1659.

'*April* 25, 1660. Reſolved, That no new Buſineſs be brought in, or entertained in the Houſe, after Twelve o'Clock.

'*Aug.* 23, 1660. Reſolved, That no private Buſineſs be entertained by this Houſe, on any Day after half an Hour after Nine o'Clock, till further Order.—After Ten o'Clock, *Nov.* 26, 1660.—After Nine o'Clock, *June* 10, 1661.—After Ten o'Clock, *Feb.* 4, 1692; and *Jan.* 24, 1693.—After Eleven o'Clock, *Jan.* 29, 1693.

'*April* 29, 1679. Ordered, That the Standing Order of the Houſe, That no new Motion be made after Twelve o'Clock, be ſtrictly and conſtantly kept and obſerved.

'*Feb.* 4, 1697. Ordered, That no Petitions be received after Ten o'Clock in the Forenoon.

Orders touching Quarrels.

'*Jan.* 31, 1641. Ordered, That Mr. Speaker ſhall have a Warrant, at any Time, to apprehend and ſtay ſuch Members of this Houſe as he ſhall be informed do either ſend Challenges, or receive or entertain Challenges.

'*April* 28, 1645. Ordered, That if any Quarrel happen between any Gentlemen, or others, in any Place within the Cities of *London* and *Weſtminſter*, and the Lines of Communication, (the Houſe not ſitting) that, upon Information thereof to Mr. Speaker, he ſhall have Power to ſend for the Parties, and ſecure

ſecure their Perſons till the Houſe be acquainted with it, and take further Order.

Orders touching Witneſſes.

'*Nov.* 11, 1640. It was declared, as a conſtant Rule of this Houſe, That if a Witneſs be brought to this Houſe, (the Houſe ſitting) the Bar ought to be down; otherwiſe, if the Houſe be in a Committee.

'*Nov.* 25, 1647, *P. M.* Reſolved, *&c.* That this Houſe doth declare, That the Perſons that are ſummoned to attend any Committee of this Houſe, as Witneſſes, in any Cauſe depending before them, ought to have the Privilege of Parliament, and to be free from Arreſts in coming, ſtaying, and returning to the ſaid Committee.

'*March* 8, 1688. Reſolved, That it is the undoubted Right of this Houſe, That all Witneſſes ſummoned to attend this Houſe, or any Committee appointed by it, have the Privilege of this Houſe in coming, ſtaying, and returning.

'*May* 2, 1695. Reſolved, That the Houſe doth agree with the Committee in the ſaid Reſolution, That the proper Method to compel Witneſſes to come in, and give their Evidence upon Impeachments, is, in the firſt Place, to iſſue out Summons, from this Houſe, to ſuch Witneſſes for their Attendance.

'*Jan.* 29, 1699. A Complaint being made to the Houſe, That the Meſſengers belonging to the Serjeant at Arms, attending this Houſe, had demanded Moneys of ſeveral Perſons ſummoned by them to attend Committees, declared, That no Perſon ſummoned to attend the Houſe, or Committees, as Witneſſes, ought to pay any Thing for their being ſo ſummoned.

'*May* 10, 1743. Complaint being made to the Houſe of the Proceedings of the Houſe of Repreſentatives of the Province of *Maſſachuſet's Bay* againſt *Jeremiah Dunbar*, Eſq; and the Cenſure paſſed upon him, by the ſaid Repreſentatives, in the Months of *December* and *January* laſt, for giving Evidence, in the Seſſion of Parliament preceding the laſt, before a Committee of this Houſe, to whom a Bill (then

Upon

depending in this Houſe, for the better ſecuring and encouraging the Trade to his Majeſty's Sugar Colonies in *America*) was committed: And a Paper printed at *Boſton*, in *New England*, intituled, *Votes of the Houſe of Repreſentatives*, being offered to the Houſe, the ſaid Paper was brought up to the Table, and ſeveral Paragraphs therein were read; in which the afore-mentioned Proceedings againſt the ſaid *Jeremiah Dunbar*, and the Cenſure paſſed upon him, are contained.

'Reſolved, *Nem. Con.* That the preſuming to call any Perſon to Account, or to paſs a Cenſure upon him for Evidence given by ſuch Perſon before this Houſe, or any Committee thereof, is an audacious Proceeding, and an high Violation of the Privilege of this Houſe.

'Ordered, That a Committee be appointed to inquire who were the Authors and Abettors of the Proceedings againſt *Jeremiah Dunbar*, Eſq; in the Houſe of Repreſentatives of the *Maſſachuſet's Bay*, in the Months of *December* and *January* laſt paſt, at *Boſton*, in *New England*, on account of the Evidence given by the ſaid *Jeremiah Dunbar*, before a Committee of this Houſe, in the Year 1730.

Orders touching chuſing Commiſſioners of Accompts, and Army Accompts, &c.

'*Nov.* 4, 1643. A Committee ordered to take Account of all public Moneys iſſued; no Member, or other Officer, liable to account to be of the Committee.

'*March* 21, 1694. Reſolved, That the Speaker of this Houſe is capable of being choſen a Commiſſioner for taking and ſtating the public Accounts.

'Reſolved, That no Perſon be a Commiſſioner who hath any Office of Profit, or is accountable to his Majeſty. The ſame *Feb.* 1, 1695.

'*April* 19, 1699. Commiſſioners to be ſeven for taking an Account of the forfeited Eſtates in *Ireland*.

'Ordered, That no Member of this Houſe be a Commiſſioner

'*May* 13, 1720. A Bill for appointing Commiſſioners for ſtating the Accounts of the Army.

'Reſolved, That no Perſon be a Commiſſioner who hath any Office of Profit, or is accountable to his Majeſty.

'Re-

'Reſolved, That the ſaid Commiſſioners may be Members of this Houſe.

'Reſolved, That no Perſon who hath been, or is, an Agent, be a Commiſſioner in the ſaid Bill.

Orders about bringing Delinquents and Priſoners to the Bar.

'*May* 9, 1604, 1 *Jac.* Rule, That no Delinquent is to be brought in, but by the Serjeant with his Mace.

'*March* 6, 1625, 1 *Car.* Mr. Attorney being come to give Satisfaction to the Houſe from the Duke of *Bucks*, reſolved, That he be brought in with the Mace, and then ſtand at the Bar to be heard, and then to withdraw.

'*Dec.* 12, 1723. The Order of the Day being read for the ſecond Reading of the Bill for inflicting certain Pains and Penalties upon *George Kelly*, *alias Johnſon*, ordered, That the Serjeant at Arms do ſtand with the Mace at the Bar, whilſt the Priſoner is there.

Order touching Naturalization.

'*May* 2, 1668. Ordered, That when any Perſons come to be naturalized hereafter, they do firſt take the Oaths of Allegiance and Supremacy in the Houſe, after the Speaker takes the Chair, according to antient Form.

Houſe of Commons' Right of Commitment.

June 7, 1675, *P. M.* Reſolved, *Nem. Con.* That no Perſon committed for Breach of Privilege, by Order of this Houſe, ought to be diſcharged during the Seſſion of Parliament, but by Order or Warrant of this Houſe.

'*June* 9, 1675. Reſolved, *Nem. Con.* That no Commoner of *England*, committed by Order or Warrant of the Houſe of Commons for Breach of Privilege, or Contempt of that Houſe, ought, without Order of that Houſe, to be, by any Writ of *Habeas Corpus*, or any Authority whatſoever, made to appear and anſwer; and to do and receive a Determination in the Houſe of Peers, during that Seſſion of Parliament, wherein ſuch Perſon was ſo committed.

'*May*

'*March* 22, 1697. Reſolved, That no Perſon, committed by this Houſe, can, during the ſame Seſſion, be diſcharged by any other Authority whatſoever.

'*Feb.* 26, 1701, 14 *Gul.* III. Col. *Granville* reported, from the Committee of the whole Houſe, to conſider further of the Rights, Liberties, and Privileges of the Houſe of Commons, That they had come to ſeveral Reſolutions, which they had directed him to report when the Houſe will pleaſe to receive the ſame.

'The Report ordered to be read immediately; and he reported, *viz.*

'*Firſt*, Reſolved, That it is the Opinion of this Committee, That, to aſſert that the Houſe of Commons are not the only Repreſentatives of the Commons of *England*, tends to the Subverſion of the Rights and Privileges of the Houſe of Commons, and the Fundamental Conſtitution of the Government of this Kingdom.

'*Secondly*, Reſolved, That it is the Opinion of this Committee, That, to aſſert that the Houſe of Commons have no Power of Commitment but of their own Members, tends to the Subverſion of the Conſtitution of the Houſe of Commons.

'*Thirdly*, Reſolved, That it is the Opinion of this Committee, That to print or publiſh any Books or Libels reflecting on the Proceedings of the Houſe of Commons, or any Member thereof, for, or relating to, his Service therein, is a high Violation of the Rights and Privileges of the Houſe of Commons.

'*Fourthly*, Reſolved, That it is the Opinion of this Committee, That it is the undoubted Right of the People of *England* to petition or to addreſs the King for the calling, ſitting, or diſſolving of Parliaments, and for the redreſſing of Grievances.

'*Fifthly*, Reſolved, That it is the Opinion of this Committee, That it is the undoubted Right of every Subject of *England*, under any Accuſation, either by Impeachment or otherwiſe, to be brought to a ſpeedy Trial, in order to be acquitted or condemned.

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'The ſaid Reſolutions being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed to by the Houſe.

'*March* 8, 1704. Reſolved, That no Commoner of *England*, committed by the Houſe of Commons for a Breach of Privilege, or Contempt of that Houſe, ought to be, by any Writ of *Habeas Corpus*, made to appear in any other Place, or before any other Judicature during that Seſſion of Parliament wherein ſuch Perſon was ſo committed.

'Reſolved, That the Serjeant at Arms, attending this Houſe, do make no Return of, or yield any Obedience to, the ſaid Writs of *Habeas Corpus*; and, for ſuch his Refuſal, that he have the Protection of the Houſe of Commons.

'Reſolved, That the Lord-Keeper be acquainted with the ſaid Reſolutions, to the End that the ſaid Writs of *Habeas Corpus* may be ſuperſeded as contrary to Law, and the Privilege of this Houſe.

'Ordered, That the Clerk of this Houſe do acquaint the Lord-Keeper of the Great Seal of *England* with the ſaid Reſolution.

'*April* 4, 1707. Reſolved, That when any Perſon (ordered to be taken into the Cuſtody of the Serjeant at Arms) ſhall either abſcond from Juſtice, or, having been in Cuſtody, ſhall refuſe to pay the juſt Fees, in either of thoſe Caſes the Order for Commitment ſhall be revived at the Beginning of the next Seſſion of Parliament; and that this be declared to be a Standing Order of the Houſe.

'*June* 16, 1746. Reſolved, That the Serjeant at Arms, attending this Houſe, is intitled to, and ought to take and receive a Fee of 6*s*. 8*d*. and the Caption-Fee of 3*l*. 6*s*. 8*d*. and the Fee of 1*l*. 6*s*. 8*d*. for one Day in Cuſtody, from every Perſon who ſhall be brought to the Bar of this Houſe to be reprimanded by Mr. Speaker.

'*June* 19, 1746. Reſolved, That the Serjeant at Arms, attending this Houſe, is intitled to, and ought to take and receive from every Perſon who ſhall be brought to the Bar of this Houſe to be reprimanded by Mr. Speaker, the Fees following; the

Fee

Fee of 5 *l.* or 3 *l.* 6 *s.* 8 *d.* according to the Table of Fees, for taking a Perſon into Cuſtody; the Fees for one Day in Cuſtody, *viz.* 1 *l.* for himſelf, and 6 *s.* 8 *d.* for bringing a Criminal to the Bar.

Orders on the Queſtion, the Yeas, or Noes, going out.

'*April* 2, 1604, 1 *Jac.* Agreed for a Rule, That a Queſtion being once made, and carried in the Affirmative or Negative, cannot be queſtioned again; but muſt ſtand as a Judgment of the Houſe.

'*June* 15, 1604. Agreed for a Rule, That upon the adding of a new Thing, the Queſtion is to be put in the Affirmative; upon the continuing of an old, in the Negative.

'Queſtion made, Whether the Law ſhall continue untill the End of the next Seſſion of Parliament. Much Difference in Diſpute, Whether, upon this Queſtion, the Yea or No ſhall ſit. Affirmed and conceived as a Rule, That when any Alteration is required of a Law in Being, as in this Caſe, and thereupon a Queſtion put, the Yeas muſt ſit ſtill, and the Noes go forth.

'*Nov.* 28, 1621, 19 *Jac.* Reſolved, That when a general Vote of the Houſe concurreth in a Motion propounded by the Speaker, without any Contradiction, there needeth no Queſtion.

'*May* 11, 1626, 2 *Car.* Queſtion, Whether the Yeas or Noes ſhould go out, much Debate about it.

'A Rule, That whoſoever will have a Thing muſt go out, and ſo get it.

'*Nov.* 6, 1640. Upon Debate of granting Time to thoſe that are doubly returned for making their Choice, *&c.* Whether the Queſtion ſhould be firſt made for *Monday* next, or for longer Time, reſolved, upon the Queſtion, That the Queſtion for *Monday* ſhould be firſt made.

'*Dec.* 10, 1640. Upon the Difference of the Yeas and Noes, the Houſe being divided, it was declared for a conſtant Rule, That thoſe that give their Votes for the Preſervation of the Orders of the Houſe, ſhall ſtay in; and thoſe that give their Votes otherwiſe, to the introducing of any new Matter or Alteration, ſhall go out.

'*April*

Orders touching Motions, and ſpeaking in the Houſe.

'*April* 14, 1604, 1 *Jac.* Members miſtaking the Queſtion interrupted by Mr. Speaker, and thereupon a Rule conceived, *viz.* That if any Man ſpeak impertinently, or beſides the Queſtion in Hand, it ſtands with the Order of the Houſe for Mr. Speaker to interrupt him, and to know the Pleaſure of the Houſe whether they will further hear him.

'*April* 17, 1604. Agreed for a Rule, That if any ſuperfluous Motion or ſeditious Speeches be offered in the Houſe, the Party is to be directed and ordered by Mr. Speaker.

'*May* 19, 1604. A Rule agreed, If any Man ſpeak not to the Matter in Queſtion, the Speaker is to moderate.

'*June* 21, 1604. Agreed for a Rule, That when Mr. Speaker deſires to ſpeak, he ought to be heard without Interruption, if the Houſe be ſilent and not in Diſpute.

'*May* 17, 1606. Any Man may ſpeak after the Affirmative Queſtion, and before the Negative.

'*April* 21, 1610. If a Bill be continued in Speech two Days, one may not ſpeak twice.

'*April* 13, 1614, 12 *Jac.* Mr. Speaker, for the Dignity and Gravity of the Houſe, ordered, That no Interruption be made till the Speech of the Party ſpeaking be ended and ruled.

'*May* 3, 1621, 19 *Jac.* Reſolved, That though a Matter be ordered in the Houſe, upon the Queſtion; yet if, after, the ſame Matter comes in again by Bill, any Member may ſpeak to this Matter, *pro* or *contra*, as his Opinion is, and the ſaid Queſtion, formerly made and paſſed, precludeth him not.

'*Nov.* 10, 1640. It was declared, That when a Buſineſs is begun and in Debate, if any Man riſe to ſpeak to a new Buſineſs, any Member may not, but Mr. Speaker ought to, interrupt him.

The Orders every Day to be read the next Morning.

'*March* 21, 1678. Ordered, That the Orders for every Day be read the next Morning before any other Buſineſs.

'*Oct.* 27, 1680. Ordered, That the Votes of each Day be read the Day following the firſt Buſineſs.

'*May*

'*March* 14, 1698. Ordered, That the Orders for the Buſineſs appointed for the Day, be read every Day at Eleven o'Clock.

The Orders of the Houſe pleadable.

'*June* 10, 1689. A Debate ariſing in the Houſe, Whether the Orders and Proceedings of this Houſe being pleaded to the Juriſdiction of the Court of King's Bench, the ſame ought to be over-ruled, reſolved, That the Orders and Proceedings of this Houſe, pleaded to the Juriſdiction of the Court of King's Bench, ought not to be over-ruled.

On Royal Aſſent to Bills, whether the Houſe may proceed without Prorogation.

'*Nov.* 21, 1554. Upon a Queſtion aſked in the Houſe, If, upon the Royal Aſſent, the Parliament may proceed without any Prorogation; it is agreed that it may.

Black Rod.

'*May* 10, 1641. *Memorandum*, That Mr. *Maxwell* coming to the Houſe with a Meſſage, without his Black Rod, and coming in before he was called in, Exception was taken at both.

Receſs.

'*Aug.* 27, 1641. Reſolved, upon the Queſtion, That this Houſe doth declare, That they are not ſo bound up by the Order for the Receſs, but that if any emergent Occaſion ſhall ariſe, they may recede from it.

Papiſts not to come near the Houſe during this Parliament.

'*Dec.* 10, 1690. Ordered, That no Papiſts do preſume to come into *Weſtminſter* Hall, the Court of Requeſts, or the Lobby of this Houſe, during the Sitting of this Parliament; and this Order to be paſted up at *Weſtminſter* Hall Gate, and in the Lobby of this Houſe; and that the Serjeant at Arms, attending this Houſe, do take into Cuſtody all ſuch Perſons as ſhall offend againſt the ſaid Order.

Orders touching the Journals, Minute-Book, &c.

'*July* 3, 1607. Sir *Edwin Sandys* reported from the Committee, to peruſe and conſider of ſuch Entries as are made by the Clerk in his Journal-Book, &c. with the Reaſons, &c. That it is thought convenient by the Committee, that this Order ſhould be

be entered; and, upon Queſtion, reſolved to be entered in theſe Words, *viz.* That, between this and the next Seſſion of Parliament, the Clerk ſhall perfect this Journal-Book for theſe three firſt Seſſions; and that no Matter of Meſſage, or Conference, or Reſolution of the Houſe proceeding thereupon, ſhall be of Record or in Force, till ſuch Time as the ſame be peruſed and perfected by a Committee to be choſen the next Seſſion of Parliament, and approved by the Houſe: And that from henceforth the Committee of Privileges do every *Saturday*, in the Afternoon, peruſe and perfect the Book of Entries, in all ſuch Matters as aforeſaid; and that, in regard of the great Pains which the Clerk is to take in perfecting the ſaid Journals, ſome Courſe be taken the next Seſſion for his better Encouragement.

'*Feb.* 9, 1609. The ſaid Order for the Journal-Book continued.

'*Dec.* 10, 1641. Sir *Arthur Haſilrigge* moved the Houſe againſt the Clerk, for ſuffering his Journals, or Papers committed to his Truſt, to be taken by Members of this Houſe from the Table; for that if any Alteration were made in an Order, though but in a Word, the Clerk could not anſwer it; and therefore deſired it may be ordered, for the future, the Clerk ſhould not ſuffer the ſame, it being againſt the Duty and the Truſt he is ſworn unto; but the Houſe declined the making of any Order herein; declaring, That it was a Fundamental Order of this Houſe, that the Clerk, who is a ſworn Officer, and intruſted with the Entries and the Cuſtody of the Records of the Houſe, ought not to ſuffer any Journal or Records to be taken from the Table, or out of his Cuſtody; and if he ſhall hereafter do it, after this Warning, that at his Peril he ſhall do it.

'*Oct.* 22, 1666. Reſolved, &c. That no Perſon be permitted to have Inſpection of the Journal-Book, but ſuch as are Members of this Houſe.

'*Feb.* 4, 1666. Ordered, That the Committee appointed to inſpect the Journals be revived, and do examine the ſame every *Saturday*.

'*Dec.*

'*Dec.* 4, 1669. Reſolved, That a Committee be appointed to peruſe the Journals of this Houſe every *Saturday* in the Afternoon, and if there be any Miſtake in Writing to rectify the ſame; and if they find any Omiſſion or Miſtake in the Entry of the Votes and Orders of the Houſe, to report the ſame to the Houſe; and that it be referred to, *&c.*

'The ſame *May* 4, 1675.

April 3, 1677. Ordered, That no Member of this Houſe do hereafter take off from the Clerk's Table any Bill, or Brief of a Bill, or the Journal-Book; or be permitted to take Notes, or copy thereout, during the Sitting of the Houſe, or a Committee of the whole Houſe.

'*Dec.* 11, 1678. Ordered, That a Committee be appointed to inſpect and peruſe the *Journals* of this Houſe, to ſee that due Entries be made, and make a Report of the Miſtakes and Errors therein every *Monday* Morning.

'Ordered, That the Orders of the Houſe be drawn up every Day, and read the next Morning before they be entered in the *Journals*.

'*March* 29, 1679. Ordered, That the Orders and Proceedings of this Houſe, after they are read every Morning, be entered in the *Journals* of the ſame Day.

'Revived *Oct.* 27, 1680.

'Ordered, That a Committee be appointed to inſpect the *Journals* every Morning, and ſee that true Entries be made.

'*May* 5, 1698. Sir *Rowland Gwyn* acquainted the Houſe, That, upon ſearching for the ſaid Precedents, they found that many of the Books of the *Journals* of the Houſe, before the Year 1685, are much worn, ill written, and without any Indexes, ordered, That all the *Journals* of this Houſe, untill the Year 1685, be fairly tranſcribed, and Indexes made by the Clerk of the *Journals* ſo tranſcribed, with References to the Folios of the original Books; and that it be recommended to the Lords Commiſſioners of the Treaſury to pay the Charges thereof.

March

'*March* 25, 1699. Ordered and declared to be a Standing Order of the Houſe, That no Member do take a Paper or the Minute-Books from off the Table, to tranſcribe in the Houſe, under the Diſpleaſure and Cenſure of the Houſe.

'*May* 31, 1741. Reſolved, That all the Books of the Proceedings or *Journals* of the Houſe of Commons, now in the Cuſtody of the Clerk of the ſaid Houſe, and commencing with the Book called *Seymour*, which begins with the Reign of King *Edward* VI. be printed.

'Reſolved, That 1000 Copies of the ſaid *Journals* be printed for the Uſe of the Members of this Houſe, by the Appointment, and under the Direction of *Nicholas Harding*, Eſq; Clerk of the Houſe of Commons, (the ſame not to exceed 30 Volumes) with a proper Preface and Index to each Volume, and a general Preface and Index to the whole.

'Reſolved, That a proper Recompence be made to the ſaid *Nicholas Harding*, for the Loſs of Fees, which he and his Office will ſuſtain by printing the ſaid *Journals*.

'Reſolved, That an humble Addreſs be preſented to his Majeſty, That he will be graciouſly pleaſed to order the Sum of 5000 *l.* to be advanced to *Nicholas Harding*, Eſq; Clerk of this Houſe, towards enabling him to print the *Journals* of this Houſe; and likewiſe the further Sum of 1000 *l.* as a Recompence to the ſaid *Nicholas Harding*, for the Loſs of Fees, which he and his Office may ſuſtain, by printing the ſaid *Journals*; and to aſſure his Majeſty that this Houſe will make good the ſame.

'Ordered, That the ſaid *Journals* be printed by ſuch Perſon as ſhall be licenſed by Mr. Speaker; and that no other Perſon do preſume to print the ſame.

Orders againſt the printing the Votes and Proceedings of the Houſe.

'*July* 13, 1641. Ordered, That no Member of this Houſe ſhall either give a Copy, or publiſh in Print, any Thing that he ſhall ſpeak here, without Leave of the Houſe.

'*March* 22, 1642. Reſolved, &c. That whatſoever Perſon ſhall print any Act or Paſſages of this

Houſe, under the Name of Diurnal or otherwiſe, without the particular Licence of this Houſe, ſhall be reputed a high Contemner and Breaker of the Privilege of Parliament, and to be puniſhed accordingly.

'*April* 13, 1659. Reſolved, That the Orders and Reſolutions of this Houſe ſhall not be printed by any Perſon or Perſons whatſoever, without the ſpecial Leave of the Houſe.

'*June* 25, 1660. Reſolved, That no Perſon whatſoever do preſume, at his Peril, to print any Votes or Proceedings of this Houſe, without the ſpecial Leave and Order of the Houſe.

'Revived *May* 14, 1661.—*June* 5, 1663.—*May* 14, 1666; and *November* 8, 1689.

'*Oct.* 29, 1678. Ordered, That none of the Votes of this Houſe be diſperſed or publiſhed in the Coffee-Houſes.

'The Votes, on Queſtion, not to be printed, *Jan.* 22, 1688.

'*Oct.* 23, 1689. Ordered, That all the Votes of the Houſe be printed, and that Mr. Speaker do peruſe the Votes of the Houſe, and order the printing of them.

'*Feb.* 11, 1695. Ordered, That no News-Letter-Writer do, in their Letters, or other Papers that they diſperſe, preſume to intermeddle with the Debates, or any other Proceedings of this Houſe.

'Revived *Jan.* 18, 1697; and *Jan.* 3, 1703.

'*Dec.* 22, 1694. Moved that it may be a Standing Order of this Houſe, That no more Votes of this Houſe may be printed.

'Ordered, That the Order of the 26th of *October* laſt for printing the Votes be diſcharged, the Houſe finding the great Inconveniences that have attended the printing of the Votes.

'Reſolved, That it be a Standing Order of the Houſe, that no Votes of the Houſe ſhall be printed, without the particular Order of the Houſe.

'Reſolved, That the Votes and Proceedings of the Houſe be not publiſhed by the Clerks, or any other Perſon whatſoever.—Revived *Feb.* 25, 1702.

'*Nov.*

'*Nov.* 23, 1722. On the Queſtion, the Votes ordered again to be printed.

'*Jan.* 23, 1703. Reſolved, That no News-Writers do preſume, in their Letters or other Papers that they diſperſe, as Minutes, or under any Denomination, to intermeddle with the Debates, or any other Proceedings of the Houſe.

'Reſolved, That no Printer or Publiſher of any printed News Papers do preſume to inſert in any ſuch Papers, any Debates, or any other Proceedings of this Houſe, or any Committee thereof.

'*Feb.* 26, 1728. Reſolved, *Nem. Con.* That it is an Indignity to, and a Breach of, the Privilege of this Houſe, for any Perſon to preſume to give in Writing, or printed News Papers, any Account or Minutes of the Debates or other Proceedings of this Houſe, or of any Committee thereof.

'Reſolved, *Nem. Con.* That, upon Diſcovery of the Authors, Printers, or Publiſhers of any ſuch written or printed News Paper, this Houſe will proceed againſt the Offenders with the utmoſt Severity.

'*April* 13, 1738. A Complaint being made to the Houſe, That the Publiſhers of ſeveral written and printed News Letters and Papers had taken upon them to give Accounts therein of the Proceedings of this Houſe, reſolved, That it is an high Indignity to, and a notorious Breach of, the Privilege of this Houſe, for any News-Writer, in Letters or other Papers, as Minutes, or under any other Denomination; or for any Printer or Publiſher of any printed News Paper, of any Denomination, to preſume to inſert in the ſaid Letters or Papers, or to give therein any Account of the Debates or other Proceedings of this Houſe, or any Committee thereof, as well during the Receſs as the Sitting of Parliament; and that this Houſe will proceed with the utmoſt Severity againſt ſuch Offenders.

'*Feb.* 19, 1550. It is ordered, That the Lord-Chancellor may direct the King's Writ of Attachment to the Preſident of the King's Council in the North Parts, to attach *Henry Warrington* and

Q. Elizabeth. Privileges and Proceedings.

D d 2 other,

others, upon the Complaint of Sir *Robert Brandling*, Knt. Burgeſs for *Newcaſtle*, exhibited to the Higher Houſe.

'*Feb.* 20, 1550. It is ordered, That if any Burgeſs require Privilege for himſelf, or his Servant, he ſhall, upon Declaration, have a Warrant ſigned by Mr. Speaker to obtain a Writ: And for that *William Ward*, Burgeſs of *Lancaſter*, obtained a Writ of Privilege out of the Chancery, without a Warrant from this Houſe, it is committed to Mr. *Maſon*, and others, to examine the Matter, and certify the ſame to the Houſe.

'*Dec.* 6, 1555. It is ordered, That Mr. Comptroller, with others of the Houſe, ſhall declare to the Lords, that their Opinion is, That their Privilege is broken; for that *Gabriel Pledall*, a Member of this Houſe, was bound in a Recognizance in the Star-Chamber, to appear there before the Council, within twelve Days after the End of this Parliament: Whereupon Mr. Comptroller, from the Lords, ſaid, They would ſend Anſwer thereof to the Houſe.

'Mr. *Martin* and Mr. *Lewis*, from the Lords, ſaid, They required ſix of the Houſe to confer with the Lords for that Cauſe; and Mr. Comptroller, Mr. *S. Petre*, with four others, went up; and they reported, That the Chief Juſtice, Maſter of the Rolls, and Serjeants, do clearly affirm, That the Recognizance is no Breach of Privilege.

'*Feb.* 17, 1620, 18 *Jac.* Ordered, That where any Member of the Houſe hath Cauſe of Privilege to ſtay any Trial, a Letter ſhall iſſue under Mr. Speaker's Hand for ſtaying thereof, without further Motion in the Houſe.

'*March* 3, 1620. Reſolved, That the former Courſe of writing Letters to the Juſtices of Aſſize ſhall be obſerved according to Precedents; and, if required, a Warrant for Inhibition to the Party ſhall be iſſued: And all theſe to be reſolved by the Houſe.

'*March* 15, 1620. Reſolved, That no Protections be granted by any; Service being the only Privilege in this Houſe.

'*March*

'*March* 22, 1620. Reſolved, That no Protections, under any Man's Hand of this Houſe, is good.

'*June* 1, 1621, 19 *Jac.* Ordered, upon Queſtion, That in Caſe of any Arreſt, or any Diſtreſs of Goods, ſerving any Proceſs, Citation for his Perſon, arreſting his Perſon, ſtaying him in any Court, or breaking any other Privilege of this Houſe, a Letter ſhall iſſue under Mr. Speaker's Hand for the Parties Relief therein, as if the Parliament were ſitting; and the Party refuſing to obey it, to be cenſured at next Meeting.

'*Nov.* 20, 1621. Reſolved, by the Houſe, That all Protections, granted by any Member of this Houſe to any, not his menial Servant or Attendant, are void; and ordered, That if any ſhall hereafter avow any ſuch Protections unlawfully given, or ſhall, after this Time, give any, ſhall incur the Cenſure of the Houſe.

'*Feb.* 15, 1625, 1 *Car.* Sir *John Finch* reported that the Committee are of Opinion, That Sir *Thomas Badge*'s Man ſhall be delivered by *Habeas Corpus* from this Houſe; upon the Queſtion, a Warrant ordered accordingly.

'The Houſe declared, That, notwithſtanding the ſaid Opinion of the Committee, the Houſe hath a Power, when they ſee Cauſe, to ſend the Serjeants immediately to deliver a Priſoner.

'*Feb.* 23, 1627, 4 *Car.* Reſolved, upon Queſtion, That every Member of this Houſe is, during the Time of Privilege of Parliament, to have Privilege for his Goods and Eſtate.

'*Aug.* 17, 1641, *P. M.* To let the Lords underſtand, That the Conviction of divers Recuſants has been hindred, under Pretence of Privilege of Parliament from their Lordſhips; and to declare unto their Lordſhips, that the Opinion of this Houſe is, That no Privilege of Parliament ought to be allowed in this Caſe for theſe Reaſons. *Firſt*, Privilege of Parliament is not to be allowed in caſe of Peace, if Peace be required. *Secondly*, It is not to be allowed againſt any Indictment for any Thing done out of Parliament. *Thirdly*, It is not to be allowed in caſe of

public Service for the Commonwealth, for that it muſt not be uſed for the Danger of the Commonwealth. *Fourthly*, It is in the Power of this Parliament, and doth not bind the Parliament itſelf, ſo that their Lordſhips may withdraw their own Privilege as they ſee Cauſe; and therefore to declare, That, in theſe two Caſes, of diſarming of Recuſants and convicting of them, no Privilege of Parliament ought to be allowed.

'*Aug.* 28, 1641. The Houſe doth declare, That all Men ought to pay the Rates chargeable upon them, by the Act, for Poll-Money, notwithſtanding any Pretence of Privilege, or Letters Patent, of Exemption whatſoever.

'*April* 14, 1648. Ordered, That upon every Action or Suit, commenced before the Lords Commiſſioners of the Great Seal of *England*, or in any of the Courts at *Weſtminſter*, againſt any Members of Parliament, the ſaid Lords Commiſſioners, Judges, and Barons of the ſeveral Courts reſpectively, or any of them, ſhall, by Writing under his or their Hand and Seal, give Notice thereof to every ſuch Member; whereupon the Member is enjoined to give Appearance, and proceed as other Defendants, in caſe of like Suits or Actions, ought to do; and, in Default thereof, both their Eſtates and Perſons ſhall be liable to any Proceedings, in Law or Equity, as other Members of this Commonwealth.

'*Nov.* 15, 1660. Reſolved and declared, by the Commons aſſembled in Parliament, That the Privilege of this Houſe, in Point of Protections from Arreſts, doth belong to the Members of this Houſe, and their menial Servants only, and to the Officers attending the Service of the Houſe; and that all Protections in Writing, granted by any Member of this Houſe, to any Perſon whatſoever, be forthwith called in, and are hereby declared to be null and void; and all Perſons whom this may concern are required, upon all Occaſions, to take Notice of the Privilege belonging to the Members of this Houſe.

'Reſolved, That this Order be forthwith printed and publiſhed.

'Nov.

'*Nov.* 25, 1661. Reſolved, upon the Queſtion, That no Member of this Houſe do grant any Protection to any but ſuch only as are their menial Servants; and that all Protections already granted to any other Perſons beſides menial Servants, be forthwith printed and publiſhed.

'This Order revived *Feb.* 18, 1662; and *April* 9, 1670.

'*Nov.* 28, 1661. This Houſe taking into further Debate the great Grievances of the People, occaſioned by Protections, reſolved, That all Protections, and written Certificates of the Members of this Houſe, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and that the Privilege of Members, for their menial Servants, be obſerved according to Law; and if any menial Servant ſhall be arreſted and detained, contrary to Privilege, he ſhall (upon Complaint thereof made) be diſcharged by Order from the Speaker.

'Ordered, That this Order be forthwith printed and publiſhed.

'Revived *April* 9, and *Dec.* 19, 1670.

'*Feb.* 7, 1677. The ſame Order, with this Addition, *viz.* after, *for the future*, add, And that if any ſhall be granted, by any Member, ſuch Member ſhall be liable to the Cenſure of the Houſe.

'Ordered, That this be declared to be a Standing Order of the Houſe.

'Ordered, That theſe Orders, againſt written Protections, be publiſhed, by ſetting them up at *Weſtminſter* Hall Gate, and at the Inns of Court, and Inns of Chancery, and at the Exchequer; and that the Knights of the Shires do ſend Copies thereof to the Sheriffs of their reſpective Counties, and the Burgeſſes to their reſpective Boroughs.

'This Order revived *April* 30, 1679.—*Jan.* 23, 1698.—*March* 31, 1690.—*Nov.* 18, 1693.—*Nov.* 30, 1695; and *March* 29, 1712.

'*July* 16, 1663. Upon Information, That the Wife of Mr. *Broom Haberwood*, a Member of this Houſe, having obtained a Decree in the High Court of Chancery againſt Mr. *Haberwood*, for Alimony, in the

the late Time of Uſurpation; and he having brought his Bill of Review to reverſe the Decree, his Wife claims Privilege of Parliament againſt her Huſband, as the Wife of a Member of the Houſe of Commons, and refuſeth to anſwer.

'Reſolved, *&c.* That no Wife or Servant of any Member of this Houſe, ought to have Privilege of Parliament allowed, in any Caſe, againſt the Huſband or Maſter of ſuch Servant.

'*March* 28, 1663. Reſolved, *&c.* That if any menial Servant be arreſted and detained, contrary to Privilege, he ſhall (upon Complaint thereof made) be diſcharged by Order from the Speaker.

'*Dec.* 20, 1666. Reſolved, *&c.* That it be referred to Mr. Speaker to examine the Matter; and if he find that *William Jackſon* was ſuited and arreſted, contrary to the Privilege of this Houſe, to give Order for his Diſcharge, and for Stay of all Proceedings in the Suit.

'Ordered, That in all Caſes of the like Nature, where Servants of Members are alledged to be arreſted, in Breach of Privilege, it be referred to Mr. Speaker; and, if he find it ſo, to give Order for their Diſcharge, and for Stay of the Suit.

'*Nov.* 16, 1675. The Houſe being informed that Sir *Edmund Jennings*, a Member of this Houſe, is made High Sheriff of the County of *York*; and a Debate ariſing thereupon, reſolved, *&c.* That it is a Breach of the Privilege of this Houſe for any Member thereof to be made a Sheriff during the Continuance of the Parliament; and that a Committee be named to conſider of a proper Way of ſuperſeding the Commiſſion.

'*May* 2, 1678. The Houſe being informed that Mr. *John Gardiner*, Sollicitor in the Cauſe concerning *Lindſey Level*, was this Day arreſted as he was coming to attend on the Houſe, ordered, That the Privilege of the Houſe be allowed to the ſaid Mr. *John Gardiner*, and that he be diſcharged from his Arreſt.

'*Jan.* 7, 1689. The Houſe being informed that Sir *Jonathan Jennings* was lately made High Sheriff of *Yorkſhire*; a Debate aroſe thereupon, reſolved,

Nem.

Nem. Con. That the nominating any Member of this Houſe to the King, to be made a High Sheriff, is a Breach of the Privilege of this Houſe.

'*Nov.* 2, 1691. Reſolved, That the Privilege of this Houſe ſhall not be allowed to any Members thereof, in Caſes wherein they are only Truſtees, a Copy of the Bill, or Declaration, being firſt left with ſuch Truſtee; and that the ſame be a Standing Order of this Houſe.

'A Report how the Privilege of the Houſe may be regulated.

'*Dec.* 23, 1692. Mr. *John How* (according to the Order of the Day) reported from the Committee appointed to conſider how the Privilege of this Houſe, in relation to Suits at Law and Equity, may be regulated and limited, and to report their Opinions therein to the Houſe, That they had conſidered of the Matter to them referred, and had agreed upon ſeveral Reſolutions, which they had directed him to report to the Houſe, and which he read in his Place, and afterwards delivered in at the Clerk's Table, where the ſame were read, and are as follow, *viz.*

'Reſolved, That it is the Opinion of this Committee, That every Member of this Houſe enjoy the Privilege of his Perſon, againſt Arreſts and Impriſonments, in ſuch Manner as has been heretofore uſed and accuſtomed.

'Reſolved, That it is the Opinion of this Committee, That no Member, during the Continuance of this Parliament, have any Privilege (except perſonal) againſt a Commoner, in any Suit or Proceeding, in Courts of Law or Equity, for any longer Time than the Houſe ſhall be actually ſitting, for the Diſpatch of Buſineſs, in Parliament. Made a Standing Order *April* 17, 1699.

'Reſolved, That it is the Opinion of this Committee, That a Commoner has, at all Times, Liberty to file an original Bill of *Middleſex Latitat'*, or *Quo Minus*; or make an Entry to ſave a Right, in order to prevent a Bar, by the Statute of Limitation, againſt any Member of this Houſe, notwithſtanding any Privilege whatſoever.

'Re-

'Reſolved, That it is the Opinion of this Committee, That if any Member ſhall (upon Notice in Writing, ſigned by the Plaintiff, his or her Attorney, when and where to appear) refuſe to give an Appearance to any Action whatſoever brought againſt him by a Commoner, at any Time, (except when the Houſe ſhall be actually ſitting) the Plaintiff, in ſuch Action, ſhall have Liberty to complain thereof, by Petition, in the next Seſſion of Parliament.

'Reſolved, That it is the Opinion of this Committee, That a Commoner has, at all Times, Liberty to exhibit any Bill, in Equity, againſt any Member of this Houſe to examine Witneſſes thereupon, in order only to preſerve their Teſtimony, notwithſtanding any Privilege whatſoever.

'Reſolved, That it is the Opinion of this Committee, That no Servant of any Member ſhall, at any Time, have any Privilege in any Suit or Proceeding, in Law or Equity, brought againſt him, except only as to the arreſting and impriſoning his Perſon, during the actual Sitting of Parliament for the Diſpatch of Buſineſs.

'Reſolved, That it is the Opinion of this Committee, That the Meeting of the Houſe at any Time, in order only to an Adjournment or Prorogation, ſhall not be underſtood, or interpreted, to give any other than perſonal Privilege to any Member againſt a Commoner.

'Reſolved, That this Houſe will, upon *Friday* Morning next, take the ſaid Report into Conſideration.

Note, This Report was never conſidered of, or agreed to, by the Houſe.

'*Feb.* 14, 1694. Sir *Richard Onſlow* reported the ſame Reſolutions, but nothing was done therein.

'*Jan.* 31, 1694. Reſolved and declared, That all written Protections, given by any Member of this Houſe, are void; and againſt the Standing Order of the Houſe.

'Reſolved, That no Perſon ſhall be taken into Cuſtody, upon Complaint of any Breach of Privilege of this Houſe, before the Matter be firſt examined.

'N.

'Reſolved and declared, That the ſaid Order is not to extend to any Breach of Privilege upon the Perſon of a Member.

'Revived *Nov.* 30, 1695.

'*Nov.* 30, 1696. Reſolved, *Nem. Con.* That no Member of this Houſe, during the Continuance of this Parliament, has any Privilege (except for his Perſon only) againſt any Commoner, in any Suit or Proceedings, in Courts of Law or Equity, for any longer Time than the Houſe ſhall be actually ſitting, for Diſpatch of Buſineſs, in Parliament. To be communicated to the Lords at a Conference.

'Reviv'd *Jan.* 7, 1697.—*Nov.* 24, 1699.—*Jan.* 18, 1708. Made a Standing Order *April* 17, 1699; and *Feb.* 13, 1700

'Declared and reſolved, That no Member of this Houſe hath any Privilege againſt Payment of any Aids, Supplies, or Taxes granted to his Majeſty, or any Pariſh Duties.

'*April* 14, 1697. Reſolved, That no Member of this Houſe hath any Privilege in caſe of Breach of the Peace, or forcible Entries, or forcible Detainers.

'*Dec.* 12, 1698. Reſolved, That no Perſon be taken into Cuſtody of the Serjeant at Arms, upon any Complaint of Breach of Privilege, untill the Matter of ſuch Complaint has been examined, by the Committee of Privileges, and reported to the Houſe.—Revived *Nov.* 16, 1699.

'Reſolved, That no Member have Privilege of Parliament, in any Caſe, wherein he is only a Truſtee.—Revived *Nov.* 16, 1699.

'Declared a Standing Order *Nov.* 24, 1704.

'*Nov.* 27, 1699. Reſolved, That no Member of this Houſe, acting as a public Officer, hath any Privilege of Parliament, touching any Matter done in Execution of his Office.

'*Jan.* 31, 1718. The Standing Order of the Houſe of the 2 3d of *January*, 1 *William* and *Mary*, relating to Protections and written Certificates, given by Members of this Houſe, read: And the Houſe being moved, That the ſaid Order may be amended, and made more effectual, ordered, *Nem. Con.* That all

all Protections, and written Certificates of the Members of this Houſe, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and if any ſhall be granted by any Member, ſuch Member ſhall make Satisfaction to the Party injured, and ſhall be liable to the Cenſure of the Houſe.

'Ordered, That the ſaid Order be declared to be a Standing Order of the Houſe.

'Ordered, That this Order be publiſhed, by ſetting up the ſame in the Lobby; at the Houſe Door; at *Weſtminſter* Hall Gate, and at the ſeveral Courts in *Weſtminſter* Hall; at the Inns of Courts and Inns of Chancery; at the Royal Exchange; and at the two Compters in *London*: And that the Knights and Commiſſioners of the Shires do ſend Copies thereof to the Sheriffs of their reſpective Counties and Shires; and the Citizens to their reſpective Cities; and the Burgeſſes, and Commiſſioners of Burghs, to their reſpective Boroughs.

'*Nov.* 16, 1722. Reſolved, *Nem. Con.* That no Co-partner, in any Trade or Undertaking, is intitled to the Privilege of this Houſe, in reſpect of any Matter relating to ſuch Co-partnerſhip.

'*March* 20, 1739. The Standing Order of the Houſe made the 31ſt Day of *January*, 1718, That all Protections, and written Certificates of the Members of this Houſe, be declared void in Law, and be forthwith withdrawn and called in, and that none be granted for the future; and that, if any ſhall be granted by any Member, ſuch Member ſhall make Satisfaction to the Party injured, and ſhall be liable to the Cenſure of this Houſe; and alſo the Order of the Houſe, made the ſame Day, for publiſhing the ſaid Standing Order, was read.

'And the *Journal* of the Houſe of the 18th of *February*, 1723, in relation to an Order of this Houſe, for re-printing and publiſhing the ſaid Standing Order, was alſo read.

'Ordered, *Nem. Con.* That the Standing Order be re-printed and publiſhed, by ſetting up the ſame in the Lobby; at the Houſe Door; at *Weſtminſter*

Hall

Hall Gate, and at the ſeveral Courts in *Weſtminſter* Hall; and at the Inns of Courts, and Inns of Chancery; and at the Royal Exchange; and at the two Compters in *London*; and on the Walls within the Seſſions-Houſe at *Edinburgh*; and that a Copy of the ſaid Order be ſent to the Clerk of the Peace for every County, City, Riding, Liberty, Diviſion, and Place within that Part of *Great-Britain* called *England*; and to the principal Clerks of the Seſſion in *Edinburgh*, with Directions to them reſpectively forthwith to deliver a Copy thereof to the Sheriffs and Stewards of their reſpective Counties, Shires, Stewardries, Cities, Liberties, and Places: And ſo yearly to every new Sheriff, or Steward, within one Week after he ſhall have been ſworn into his Office; and all Sheriffs and Stewards of the ſeveral Counties, Shires, Stewardries, Cities and Places, within this Kingdom: And the Secondaries of the Compters in *London* are hereby prohibited to enter in their Books any Protection, or written Certificate, ſigned by any Member of the Houſe of Commons; but, upon ſuch Protection, or written Certificate, being directed to them forthwith to return the ſame to the Clerk of this Houſe.

'Ordered, That the Clerk of this Houſe do forthwith acquaint the Houſe with ſuch Protections, or written Certificates, as ſhall be ſo returned to him, if the Parliament be then ſitting; if the Parliament be not ſitting, within three Days after their next Meeting.

'Ordered, That the ſaid Order be a Standing Order of this Houſe.

'*Jan.* 29, 1740. Reſolved, That the bringing an Action at Law againſt *John Criſp*, for what he did in the Execution of his Duty, as a Conſtable attending the Service of this Houſe, by endeavouring to prevent the Diſorders of Chairmen, who were crouding upon the Stairs leading to the Houſe, to the Annoyance of the Members thereof, is a Breach of the Privilege of this Houſe.

'*April* 9, 1742. A Complaint being made to the Houſe, That Mr. *Gilbert Douglas*, a Solicitor in

ſeveral Bills depending in this Houſe, was, upon *Monday* laſt, arreſted as he was attending this Houſe, and the *Journal* of the Houſe of the ſecond Day of *May*, 1678, (in relation to the Allowance of the Privilege of this Houſe to Mr. *John Gardiner*, Sollicitor in the Cauſe concerning *Lindſey Level*, who was coming to attend on the Houſe) being read, and a Witneſs was called in and examined, in order to prove that the ſaid Mr. *Gilbert Douglas* was ſo arreſted; and the Houſe being informed, by ſeveral of their Members, That he did attend the Houſe as Sollicitor to ſeveral Bills then depending, ordered, That the Privilege of this Houſe be allowed to the ſaid Mr. *Gilbert Douglas*; and that he be diſcharged from his Arreſts.

Orders touching Motions for Leave into the Country.

'*Nov.* 29, 1606. A ſpecial Order moved and made, That no Lawyer of the Houſe depart the Town without Leave of the Houſe.

'*March* 12, 1606. Agreed for Order, That no Man ſhould depart without paying the ordinary Fee of 6*s.* 8*d.* to the Clerk.

'*Feb.* 13, 1620, 18 *Jac.* Ordered, That no Member of this Houſe ſhall go out of Town without open Motion and Licence in the Houſe after Nine of the Clock.--After Ten o'Clock, *May* 17, 1675.--*Nov.* 18, 1675; and *Feb.* 22, 1676.

'*Aug.* 4, 1623, 4 *Car.* Reſolved, That all the Members of the Houſe ſhall attend, and not depart without Licence obtained from the Houſe, upon Pain of the Cenſure thereof.

'Revived *Feb.* 9, 1627, 4 *Car.*

'*Feb.* 13, 1625. Ordered, That no Lawyer, or other Member of this Houſe, ſhall depart without Licence firſt obtained in the Houſe, by Motion made after Nine o'Clock.

'Revived *April* 5, 1626.—*Feb.* 9, 1627.—*April* 10, 1627, and *March* 10, 1640.—Ordered to be between Nine and Eleven o'Clock, *Aug.* 27, 1641.—Afterwards Ten and Eleven o'Clock, *April* 24, 1648.—Afterwards between Eleven and Twelve o'Clock, *May* 10, 1678.—*April* 29, 1690.—Afterwards between

tween Eleven and One o'Clock, *Dec.* 15, 1691.—*Dec.* 15, 1692.—*Dec.* 4, 1694.—*Jan.* 12, and *Feb.* 15, 1694.—*Jan.* 11, and *Feb.* 15, 1695.—*Nov.* 2, 6, 16, and 25, 1696.—Between One and Two o'Clock, *Jan.* 5, 1698.—*May* 31, 1701.—*May* 1, 1712; and *May* 30, 1713.

'*Feb.* 20, 1667. Ordered, That no Motion, for Leave for any Perſon to go into the Country, be moved for till after Ten o'Clock.

'Revived *April* 8, 1679.—Between Ten and Twelve o'Clock, *April* 10, and 25, 1679, with this Addition, Be ſent for in Cuſtody of the Serjeant at Arms attending this Houſe; and ſhall not be admitted to their Places in the Houſe till they have paid the Serjeant his Fees and Charges. The ſame *Dec.* 15, 1692.—*Jan.* 31, 1693.—*Dec.* 20, 1694.—*Jan.* 22, 1694.—*March* 29, 1711.—*Feb.* 23, 1722; and *Jan.* 21, 1724.

'*March* 16, 1688. Ordered, That, for the future, no Member of this Houſe have Leave to go into the Country without limiting a Time when he is to return.

'*Feb.* 26, 1699. Ordered, That no Motion be made for any Member to have Leave to go out of Town; but when the Member, for whom Leave ſhall be aſked, be in the Houſe, except in caſe of Sickneſs, to be affirmed by the Member that ſhall make ſuch Motion.

'Order for the Speaker to write circular Letters to ſummons the Members, the Form of them, *May* 31, 1701.

'*Feb.* 11, 1705. Ordered, That no Motion be admitted for any Member to go out of Town; and that no Member do preſume to go out of Town, upon Pain of being ſent for, in Cuſtody, by the Serjeant at Arms attending this Houſe.

'*Oct.* 27, 1680. Reſolved, *Nem. Con.* That it is, and ever hath been, the undoubted Right of the Subjects of *England*, to petition the King for the Calling and Sitting of Parliaments, and redreſſing of Grievances.

'Re-

'Reſolved, *Nem. Con.* That to traduce ſuch petitioning as a Violation of Duty, and to repreſent it to his Majeſty as ſeditious and tumultuous, is to betray the Liberty of the Subject, and contributes to the Deſigns of ſubverting the antient legal Conſtitution of this Kingdom, and introducing arbitrary Power.

Orders for fining Defaulters, on the Call of Members abſent without Leave, and Deſerters, &c.

'*Oct.* 25, 1641. Ordered, That the Houſe be called on *Friday* come Se'nnight; and that ſuch Members as are then abſent ſhall undergo ſuch Fine, and further Diſpleaſure of the Houſe, as ſhall be impoſed upon them for their Neglect.

'*March* 28, 1664. Reſolved, &c. That the Penalty of 10 *l.* for a Fine, be impoſed for every Knight of a Shire; and 5 *l.* on every Citizen, Burgeſs, or Baron of a Cinque Port, who ſhall make Default in attending when the Houſe is next called over, whoſe Excuſe ſhall not be allowed of by the Houſe.—To be ſent for, in Cuſtody of the Serjeant, *Nov.* 6, 1666.

'*Dec.* 15, 1666. Ordered, That ſuch that are ſent for in Cuſtody be not admitted to ſit till they have paid their Fees.

'*Dec.* 17, 1666. Ordered, That the Clerk take Care the Order, for calling the Houſe in *January* next, be printed in the next *Thurſday*'s *Gazette*.

'*Dec.* 18, 1666. Ordered, That ſuch Members of the Houſe as do depart into the Country, without Leave, be ſent for in Cuſtody of the Serjeant at Arms.

'Revived *May* 11, 1689.—*Nov.* 28, 1689; and *Dec.* 2, 1690.

'*Feb.* 13, 1667. Reſolved, &c. That every Defaulter in Attendance, whoſe Excuſe ſhall not be allowed this Day, be fined the Sum of 40 *l.* and ſent for in Cuſtody, and committed to the Tower till the Fine be paid.

'Reſolved, &c. That every Member as ſhall deſert the Service of the Houſe for the Space of three Days together, not having had Leave granted him by the Houſe, nor offering ſuch ſufficient Excuſe to the Houſe as ſhall be allowed, ſhall have the like

Fine

Fine of 40 *l.* impoſed on them, and ſhall be ſent for in Cuſtody, and committed to the Tower; and that the Fines be paid into the Hands of the Serjeant at Arms, to be diſpoſed of as the Houſe ſhall direct.

'To pay a Fine of 10 *l.* *April* 6, 1668.

'*Dec.* 20, 1670. Reſolved, *&c.* That the Houſe be called over on the 9th Day of *January* next; and that every Member who ſhall then make Default of Attendance, whoſe Excuſe ſhall not be allowed by the Houſe, ſhall be doubly aſſeſſed in the Bill of Subſidies. This Order to be ſent to the ſeveral Sheriffs.

'*Nov.* 23, 1691. Ordered, That all Members, ſent for in Cuſtody of the Serjeant at Arms attending this Houſe, do forbear coming into the Houſe, without the Leave of the Houſe firſt had.

'*Jan.* 25, 1709. Reſolved, That ſuch Members of this Houſe, who do abſent themſelves without the Leave of the Houſe, are to be reputed Deſerters of their Truſt, and Neglecters of that Duty they owe to this Houſe and their Country.

Members of the Long Robe not to plead at the Lord's Bar, in any Cauſe, without Leave: Members not to attend the Lords on Summons without Leave.

'*Nov.* 6, 1666. Ordered, That ſuch Members of this Houſe, as are of the Long Robe, ſhall not be of Counſel on either Side in any Bill depending in the Lords' Houſe, before ſuch Bill ſhall come down from the Lords' Houſe to this Houſe.

'*Nov.* 10, 1669. Reſolved, That no Member of this Houſe, of the Long Robe, do, during this Seſſion of Parliament, plead as Counſel before the Houſe of Lords in any Cauſe, without Leave aſked and granted by this Houſe after Ten o'Clock.

'*June* 3, 1675. Ordered, That no Member of this Houſe do attend the Lords' Houſe upon any Summons from the Lords, without Leave of the Houſe.

'*Dec.* 7, 1693, 5 *Gul.* Ordered, That no Member of this Houſe do preſume to plead at the Bar of the Houſe of Lords, without Leave firſt obtained from this Houſe, and to be moved for between the Hours of Eleven and One o'Clock.

'Revived *Dec.* 20, 1695.

'*April* 11, 1695. A Meſſage from the Lords, That Sir *Robert Clayton* and Mr. *Maurice* may have Leave to declare their Knowledge, in relation to a Grant of Lands from the City of *London*. Leave given; and ordered, That Sir *Robert Clayton* and Mr. *Maurice* do inſiſt to be examined at a Committee of Lords, and not at the Bar.

'*Nov.* 27, 1704, 3 *Annæ*. Reſolved, That when Leave is aſked for any Member of this Houſe to attend at the Bar of the Houſe of Lords, the Cauſe and Parties be expreſſed, and whether upon a Writ of Error or an Appeal.

'Reſolved, That this Houſe will not give Leave to any of their Members to plead at the Bar of the Lords' Houſe in Caſes of Appeals from Courts of Equity.

Members diſobeying the Houſe cenſured.

'*Nov.* 12, 1640. Mr. *Watking*, a Member of the Houſe, diſobeying the Houſe, being ſeveral Times commanded to withdraw, was therefore called to the Bar, and upon his Knees ſubmitted himſelf to the Cenſure of the Houſe.

Members gone to the Upper Houſe ſent for.

'*March* 22, 1620, 18 *Jac. P. M.* Ordered, That the Serjeant at Arms ſhall go to the Upper Houſe, and charge all the Members of this Houſe that are there preſently to repair into this Houſe, to attend the Speaker into the Upper Houſe, upon Penalty of the Cenſure of this Houſe.

Members not to viſit foreign Miniſters.

'*Feb.* 1, 1643. Reſolved, *&c.* That this Houſe doth declare, That it is a conſtant and antient Rule and Order of this Houſe, That no Member of this Houſe ought to receive, or give any Viſit to, any foreign Agent or Ambaſſador, or any other Perſon that avows himſelf to be a public Agent or Ambaſſador, without the Leave and Conſent of the Houſe.

Who may not be Members of this Houſe.

'*Oct.* 13, 1553. It is ordered by the Committee, That *Alexander Nowell*, being a Prebendary in *Weſtminſter*, and thereby having Voice in the Convocation-

vocation-Houſe, may not be a Member; and ſo agreed by the Houſe.

'*Feb.* 8, 1620, 18 *Jac.* Reſolved, upon the Queſtion, That the Order the laſt Meeting in Parliament, concerning the not ſerving of the Attorney-General in this Houſe, ſhall ſtand as a new Writ; alſo a new Writ ordered for *Morpeth* in the room of a Miniſter returned.

'*Nov.* 9, 1640. Ordered, upon the Queſtion, That all Projectors and unlawful Monopoliſts whatſoever; or that have any Share, or lately had any Share, in any Monopolies; or that do receive any Benefit from any Monoply or Project; or that have procured any Warrant or Command for the Reſtraint; or moleſting of any that have refuſed to conform themſelves to any ſuch Proclamations or Project, are diſabled, by Order of this Houſe, to ſit here in this Houſe; and if any Man knows any Monopoliſt, that he ſhall nominate him.

'*Nov.* 10, 1707. This Houſe being moved, That ſeveral Clauſes in the Act of the fifth and ſixth Years of her Majeſty's Reign, intituled, *An Act for the better Security of her Majeſty's Perſon and Government, and of the Succeſſion of the Crown of* England *in the Proteſtant Line, relating to the diſabling ſeveral Officers to ſit in Parliament*, might be read, and the ſame was read accordingly.

'Reſolved, That every Perſon who, by an Act of the firſt Seſſion of the laſt Parliament, intituled, *An Act for the better Security of her Majeſty's Perſon and Government, and of the Succeſſion of the Crown of* England *in the Proteſtant Line*, is diſabled, from and after the Diſſolution or Determination of the ſaid Parliament, to ſit or vote as a Member of the Houſe of Commons in any Parliament to be hereafter holden, is, by virtue of the ſaid Act, incapable of ſitting or voting as a Member of the Houſe of Commons in this preſent Parliament.

'*Dec.* 7, 1708. Reſolved, &c. That *Anthony Hammond*, Eſq; being a Commiſſioner of the Navy, and employed in the Out-Ports, is thereby incapable of being elected as a Member of this Houſe.

Members not to be removed for Age, Sickneſs, or Abſence beyond Sea.

'*Nov.* 11, 1558. Whereas Suit is made, That ſome Burgeſſes being ſick might be removed, and Writs iſſued for others in their Places, this Houſe doth reſolve, That they ſhall not be removed, notwithſtanding their Sickneſs.

'*Aug.* 18, 1641. A Motion was made concerning the ſending of a new Writ for the electing of a Burgeſs to ſerve inſtead of Mr. *Crowcker*, who is very infirm, by reaſon of his great Age; but it would not be granted by the Houſe.

Members not to keep Popiſh Recuſant Servants.

'*Feb.* 25, 1623, 21 *Jac.* I. Ordered, That if any Member of this Houſe have any Servant that is a Popiſh Recuſant, or refuſeth to go to Church and hear Divine Service, he ſhall preſently diſcharge him; this to be under the Penalty of Sequeſtration from the Houſe.

'Reſolved, That no Member of this Houſe be allowed to keep a Recuſant Servant, but upon public Notice and ſpecial Allowance of the Houſe.

Orders for Members to receive the Communion, and teſtify their taking the Oaths

'*Feb.* 9, 1620, 18 *Jac.* Ordered, That every Member of this Houſe ſhall teſtify, in Writing, That he hath duly taken the Oaths; and if any Exception be againſt it, then he to take it again.

'*Jan.* 21, 1627, 4 *Car.* Ordered, That all Members of the Houſe newly returned, or to be returned this Seſſion, ſhall receive the Communion before ſome of the Parties appointed laſt Seſſion; thoſe which are already returned, and have ſat in the Houſe, to receive it on *Monday* next; and thoſe which are, or ſhall be returned, and have not ſat in the Houſe, not to come into the Houſe till they have received the Communion.—The ſame Order, *April* 25, 1640.

'*Nov.* 9, 1640. Reſolved, upon the Queſtion, That the next Lord's Day, called *Sunday*, after the firſt, ſhall be appointed for receiving the Communion by all the Members of this Houſe, at *St. Margaret's, Weſtminſter*. The ſame Order, *Nov.* 26, 1640.

'*June* 2, 1660. Reſolved, That no Member of this Houſe do, after this Day, ſit in the Houſe before

fore he hath taken the Oaths of Allegiance and Supremacy.

'*May* 13, 1661. Reſolved, upon the Queſtion, That the Sacrament of the Lord's Supper ſhall, upon *Sunday* next come Se'nnight, being the 26th of this Inſtant *May*, in the Forenoon, be adminiſtred at *St. Margaret*'s Church in *Weſtminſter*, according to the Form preſcribed in the Liturgy of the Church of *England*; and that all the Members of this Houſe ſhall then and there receive the ſaid Sacrament; and that whoſoever ſhall not then and there receive the ſaid Sacrament, ſhall not, after that Day, come into the Houſe untill he ſhall have received the ſaid Sacrament, in the Preſence of two or more of the Parties hereafter appointed to that Purpoſe, and the ſame to be certified, and the Certificate thereof allowed by the Houſe: And for the better Diſcovery who ſhall then receive the ſaid Sacrament, and who not, it is further ordered, That Sir *Anthony Cope*, Sir *John Bramſton*, Sir *Philip Warwick*, Sir *John Gooderick*, Sir *Allen Broderick*, and Sir *George Reeve*, ſhall take eſpecial Notice of all ſuch as ſhall then and there receive the ſaid Sacrament; and that every Member of this Houſe ſhall then bring with him a Note, in Writing, containing his Name, and the Shire whereof he is a Knight, and the City whereof he is a Citizen, and the Borough whereof he is a Burgeſs, and the Port whereof he is a Baron; which Note he ſhall, in the ſame Church, when the ſame ſhall be demanded of him, deliver to the ſaid Parties before particularly mentioned, ſome or one of them: And the ſaid Perſons, ſo appointed, are likewiſe to take particular Notice of every Member of this Houſe, at ſuch Time as he receives the ſaid Sacrament.

'The ſame Order, *Nov.* 9, 1666.

'*Jan.* 31, 1699. Reſolved, That, for the future, no Perſon be recommended to preach before this Houſe, who is under the Dignity of a Dean in the Church, or hath not taken his Degree of a Doctor of Divinity.

'*June* 4, 1742. The Houſe was moved, That the Reſolution of the Houſe of the 31ſt of *Jan.* 1699, That, for the future, no Perſon be recommended to preach, *&c.* might be read, and the ſame being read accordingly, reſolved, *Nem. Con.* That, for the future, no Perſon, except the Chaplain of this Houſe, be recommended to preach before this Houſe, who is under the Dignity of a Dean in the Church, or hath not taken his Degree of Doctor of Divinity.

'Ordered, That the Chaplain to this Houſe do preach before this Houſe at *St. Margaret*'s, *Weſtminſter*, upon *Friday* the 11th of this Inſtant *June*, being the Anniverſary of his Majeſty's happy Acceſſion to the Throne.

Order on attending the Lords, as a Committee of the whole Houſe.

'*Aug.* 8, 1625, 1 *Car.* Sir *Robert Philips* moved to ſend to the Lords, to know whether they intend a Committee of the whole Houſe, or the whole Houſe with the Speaker; becauſe in the one Caſe to be uncovered, in the other Caſe not.

'Reſolved, That the Speaker and all to go as a Houſe; and if the Lords keep bare, then to do the like; if they cover, then the Speaker and the Houſe to do the like.

Againſt holding South-Sea Stock for Members, declared infamous and corrupt.

'*Jan.* 12, 1720. Mr. *Broderick* moved from the Committee to inquire into the Proceedings of the South-Sea Directors, that ſuch Perſons as the Committee ſhall think proper to be examined, may be examined in the moſt ſolemn Manner, ordered, That ſuch Perſons as the ſaid Committee ſhall think proper to be examined, relating to the Matter of the ſaid Inquiry, be examined in the moſt ſolemn Manner.

'*Jan.* 19, 1720. Ordered, That the Committee be impowered to examine Sir *Robert Chaplin*, Sir *Theodore Janſſen*, *Francis Eyles*, and *Jacob Sawbridge*, Eſqrs. Members of this Houſe, and Directors of the South-Sea Company, in the moſt ſolemn Manner.

'*Feb.* 18, 1720. Reſolved, *Nem. Con.* That the taking in, or holding of Stock by the South-Sea Com-

Company, for the Benefit of any Member of either Houſe of Parliament, or Perſon concerned in the Adminiſtration, (during the Time that the Company's Propoſals, or the Bill thereto relating, were depending in Parliament) without any valuable Conſideration paid, or ſufficient Security given, for the Acceptance of, or Payment for, ſuch Stock; and the Company's paying or allowing ſuch Perſon the Difference ariſing by the advanced Price of the Stock, were corrupt, infamous, and dangerous Practices, highly reflecting on the Honour and Juſtice of Parliaments, and deſtructive to the Intereſt of his Majeſty's Government.

Orders againſt Members taking Money for tranſacting Buſineſs, or accepting of Entertainments, or Places from the Crown, &c.

'*Dec.* 1, 1645. Delaration of the Houſe about taking Money for tranſacting Buſineſs in the Houſe.

'*Dec.* 30, 1680. Reſolved. *Nem. Con.* That no Member of this Houſe ſhall accept of any Office or Place of Profit from the Crown, without the Leave of this Houſe, or any Promiſe of any ſuch Office or Place of Profit during ſuch Time as he ſhall continue a Member of this Houſe.

'Reſolved, &c. That all Offenders herein ſhall be expelled the Houſe.

'*Jan.* 4, 1692. Reſolved, That no Member of this Houſe do preſume to accept of any Entertainment at any Public Houſe, for the carrying of any Matter under the Conſideration of the Houſe, upon Pain of incurring the Cenſure of the Houſe.

'*March* 18, 1694. Reſolved, That whoſoever ſhall diſcover any Money, or other Gratuity, given to any Member of this Houſe, for Matters tranſacted in this Houſe, relating to the Orphans' Bill, or the *Eaſt-India* Company, ſhall have the Indemnity of the Houſe for the Diſcovery of ſuch Gift.

'*May* 2, 1695. Reſolved, That the Offer of any Money, or other Advantage, to any Member of Parliament for promoting of any Matter whatſoever depending, or to be tranſacted, in Parliament, is a high Crime and Miſdemeanor, and tends to the Subverſion of the *Engliſh* Conſtitution.

'Or-

Concerning the printing Members Names, reflecting and misrepresentingtheir Proceedings, and aſperſing them; alſo inſulting, or menacing them.

'*Oct.* 30, 1696. Reſolved, *Nem. Con.* That the printing the Names of the Members of this Houſe, and reflecting on the Members of this Houſe for their Proceedings in Parliament, is a Breach of the Privilege of this Houſe, and deſtructive of the Freedom and Liberties of Parliaments.

'*April* 22, 1699. Reſolved, That the publiſhing the Names of the Members of this Houſe, and reflecting upon them, and miſrepreſenting their Proceedings in Parliament, is a Breach of the Privilege of this Houſe, and deſtructive to the Freedom of Parliaments.

'*Feb.* 7, 1701. Reſolved, That the aſperſing the laſt Houſe of Commons, or any Member thereof, with receiving *French* Money, or being in the Intereſt of *France*, was a ſcandalous, villainous, and groundleſs Reflection, tending to Sedition, and to create a Miſunderſtanding between the King and his People. Reſolved, That *Thomas Colepepper*, Eſq; is guilty of promoting the ſaid ſcandalous, villainous, and groundleſs Reflection upon the ſaid Houſe of Commons, and that he be for his ſaid Offence committed to *Newgate*.

'*May* 2, 1704. Reſolved, That to aſperſe any Member of the Houſe of Commons with being in the Intereſt of the pretended Prince of *Wales*, or the *French* Government, for or in reſpect of his Behaviour and Proceedings in the Houſe of Commons, is villainous and ſeditious, deſtructive to the Liberties of Parliament, and the Freedom of Elections, and tends to create a Miſunderſtanding between her Majeſty and her Subjects.

'*April* 12, 1733. Complaint being made to the Houſe, by ſeveral Members of this Houſe, That a tumultuous Croud of People were aſſembled together laſt Night, and ſeveral Days, during this Seſſion, in the Court of Requeſts, and other Avenues to this Houſe; and that themſelves, and ſeveral other Members of this Houſe were, laſt Night, in their Return from this Houſe, menaced, inſulted, and aſſaulted by a tumultuous Croud of People in the Paſſages to this Houſe, reſolved and declared, *Nem.*

Con.

Con. That the aſſaulting, inſulting, or menacing any Member of this Houſe, in coming to, or going from, the Houſe, upon the Account of his Behaviour in Parliament, is an high Infringement of the Privilege of this Houſe, a moſt outrageous and dangerous Violation of the Rights of Parliament, and an high Crime and Miſdemeanor.

'Reſolved and declared, *Nem. Con.* That the aſſembling and coming of any Number of Perſons, in a riotous, tumultuous, and diſorderly Manner to this Houſe, in order either to hinder or promote the paſſing of any Bill, or other Matter depending before the Houſe, is an high Infringement of the Privilege of this Houſe, and is detrimental to the Freedom and Conſtitution of Parliament, and an high Crime and Miſdemeanor.

'Ordered, That the Members of this Houſe, who ſerve for the City of *London*, County of *Middleſex*, and City of *Weſtminſter*, do ſignify the ſaid Reſolutions and Declarations to the Lord Mayor of *London*, Sheriffs of *Middleſex*, and High Bailiff of *Weſtminſter*.

Orders for locking the Back-door, and keeping the Gallery and Speaker's Chamber free from Strangers.

'*March* 5, 1662. Ordered, That the Back-door of the Speaker's Chamber be locked up every Morning, at the Sitting of the Houſe, and the Key delivered to the Clerk, to be locked up by him; and that he do not preſume to deliver the ſame to any Perſon whatſoever, without the Order of the Houſe; and that the Serjeant at Arms attending this Houſe do take Care to clear the Speaker's Chamber every Day before the Door is locked up.

'Revived, *Jan.* 29, 1673.

'*April* 8, 1670, *P. M.* Reſolved, That the Back-door in the Speaker's Chamber be nailed up, and not opened during any Seſſion of Parliament.

'*April* 7, 1679. Ordered, That the Back-door belonging to the Speaker's Chamber be locked up, and that the Keys do lie upon the Table whilſt the Houſe is ſitting, and that the Window next adjoining to the ſaid Door be ſhut up.

Feb.

'*Feb.* 5, 1688. Ordered, That the Back-door leading into the Speaker's Chamber be, from Time to Time, kept locked up during the Sitting of this Houſe, and the Key to be kept lying upon the Table, and not to be delivered out without Leave of this Houſe; and that the Serjeant at Arms do take Care to ſee this Order executed.—Revived, *April* 2, and *Nov.* 10, 1690.

'*Jan.* 28, 1688. Ordered, That the Serjeant at Arms do take Care to keep the Speaker's Chamber free from Strangers; and the Back-door being locked up, the Key be brought and laid upon the Table.

'*Jan.* 29, 1688. Ordered, That the Serjeant at Arms do keep the Gallery free from Strangers; and that the Back-door be locked up, and the Key brought and laid upon the Table; which was done accordingly.

'*April* 21, 1698. Ordered, That the Serjeant do lock up the Back-door in the Speaker's Chamber every Morning at Ten o'Clock, and bring the Keys and lay them upon the Table.

'Revived, *Nov.* 24, 1699.

'Made a Standing Order, *Nov.* 24, 1702.

Orders for keeping the Bar of the Houſe clear, and taking Strangers into Cuſtody.

'*Dec.* 20, 1650. Reſolved, That the Serjeant at Arms do not permit any Perſons to come within this Houſe in the Morning that the Houſe ſits, ſave only the Members of the Houſe, the Miniſter that prays, and the Officers attending the Houſe.

'*Feb.* 8, 1688. Ordered, That the Serjeant at Arms do take Care to keep the Bar of this Houſe clear from being ſtopped up by the ſtanding of the Members there, who ought to ſit in their Places, and attend the Service of the Houſe.

'*Feb.* 26, 1688. Ordered, That the Serjeant at Arms attending this Houſe do, from Time to Time, take into his Cuſtody any Stranger or Strangers that he ſhall ſee, or be informed to be, in the Houſe or Gallery, while the Houſe, or any Committee of the whole Houſe, is ſitting.—Revived, *Nov.* 21, 1689.—*April* 2, 1690.—*Oct.* 31, 1705.—*March* 16, 1719, is added, And that no Perſon ſo taken into Cuſtody be diſcharged out of Cuſtody, without

the

the ſpecial Order of the Houſe.—After this revived annually.

'*Nov.* 15, 1705. Ordered, That the Serjeant at Arms do take into Cuſtody all ſuch Strangers as do preſume to come into the Body of the Houſe or Galleries, during the Sitting of any Committee therein; and that the Lobby and Stairs be kept clear of Footmen. Made a Standing Order of the Houſe.

'*Jan.* 26, 1709. Ordered, That no Member do preſume to bring any Strangers into the Houſe or Gallery whilſt the Houſe is ſitting.

Orders for keeping the Lobby and Stairs free from Footmen, &c.

'*Jan.* 28, 1641. Ordered, That if any Footman, or other Perſon whatſoever, ſhall offer any Affront or Abuſe to the Guards appointed to attend this Houſe, that the Guards ſhall apprehend ſuch Perſons, and bring them to this Houſe to receive condign Puniſhment. And it is likewiſe ordered, That no Footman that belongs to any Member of this Houſe, or to any other, ſhall come up the Stairs of this Houſe, or ſtand on the Stairs.

'*Oct.* 13, 1666. Ordered, That no Pages, Footmen, or Footboys be ſuffered to be in any of the Lobbies, or on the Stairs leading to the Houſe, during the Sitting of the Houſe; and that the Serjeant at Arms do take Care to put this Order in Execution.

'The ſame Order, and the Footmen to attend in the Hall, *June* 4, 1685.

'Revived *March* 5, 1699.

'*Nov.* 12, 1670. Ordered, That no Lackey, or Footman, belonging to any Member of this Houſe, or other Gentlemen's Servants, do hereafter preſume to ſtand upon any Part of the Stairs leading up to this Houſe; and in caſe any of them ſhall do contrary hereunto, ſuch Lackey, or Footman, is to be ſent to the Houſe of Correction; and the Serjeant at Arms attending this Houſe is to ſee that this Order be ſet up at the further Door of the Lobby.

'The Serjeant ordered to take them into Cuſtody, and Knight Marſhal's Officer to aſſiſt the Serjeant, *February* 7, 1672.—*April* 16, 1675.—*December* 22, and *February* 8, and 22, 1676; and *July* 31, 1721.

'*June*

'*June* 4, 1685. Ordered, That the ſeveral Members of this Houſe be deſired to diſarm their Footmen and Lackies attending this Houſe.

'*Jan.* 22, 1688. Ordered, That the Serjeant at Arms attending this Houſe do take eſpecial Care to keep the Stairs and Paſſage to the Houſe free from Interruption by Footmen and Lackies; and that no Footman or Lackey do preſume to ſtand upon the Stairs, whereof they are required to take eſpecial Notice, and demean themſelves accordingly; and that this Order be affixed on the Doors of *Weſtminſter* Hall, and the Poſts and other convenient Places adjacent to this Houſe.

'Revived *December* 20, 1695.

'On Complaint, to be taken into Cuſtody, *February* 8, 1695.

'*Jan.* 13, 1693. Ordered, That the Serjeant at Arms do take Care to keep the Stairs clear from Footmen, and that he do take into his Cuſtody ſuch of them as ſhall behave themſelves rudely; and that the Conſtables of *Weſtminſter* do take Care that the Paſſages in and about *Weſtminſter* Hall be kept clear from Chairmen and Coachmen, ſo that they may not ſtop or annoy the Members of this Houſe; and this Order to be affixed upon *Weſtminſter* Hall Gate, and the Lobby of this Houſe.

'Made a Standing Order *January* 18, 1699.

'To be taken into Cuſtody, and not diſcharged but by ſpecial Order of the Houſe, *March* 16, 1720.

'*Jan.* 27, 1699. Ordered, That the Serjeant at Arms, and his Meſſengers, do take all poſſible Care to keep the Lobby, Paſſages, and Stairs of the Houſe clear of all looſe, idle, and diſorderly Perſons.

'*April* 10, 1700. Ordered, That the Lobby be cleared of all Strangers, and that the Back-door of the Speaker's Chamber be lock'd up, and the Key brought and laid upon the Table; and that the Serjeant do ſtand at the Door of the Houſe, and ſuffer no Members to go forth.—Revived *June* 9, 1715.

'*Jan.* 14, 1729. Ordered, That the Serjeant at Arms attending this Houſe do take Care there be no Gaming or other Diſorders in the Room now fitted

up

up for the Footmen attending the Members of the Houſe to wait in.

'Revived every Seſſion.

'*Feb.* 6, 1717. Ordered and declared, That when the Houſe ſhall be ſitting, and Day-light ſhall be ſhut in, that the Serjeant at Arms attending this Houſe do take Care that Candles be brought in, without any particular Order for that Purpoſe. Order for bringing in Candles.

'Reſolved, That the ſaid Order be a Standing Order of the Houſe.

'*Aug.* 14, 1625, 1 *Car.* Reſolved, That every Knight of the Shire is to pay Ten Shillings, and every Burgeſs Five Shillings, according to the Note delivered in by the Committee for *London*, &c. and whoſoever is abſent to pay double.—The Sum collected, 112*l.* 10*s.* 4*d.* Collections for the Officers of the Houſe, recommending them to the King for Salaries, and Fees to be taken by them.

'*June* 24, 1641. *P. M.* Reſolved, upon the Queſtion, That every Knight ſhall pay Twenty Shillings, and every Burgeſs Ten Shillings, to be diſpoſed of, by Order of this Houſe, amongſt ſuch Officers as they ſhall think fit, for a Reward for their ſeveral great Pains.

'Reſolved, &c. That theſe Monies ſhall be paid in by *Monday* next.

'Reſolved, &c. That thoſe that have not paid in their Monies by *Monday* next ſhall pay double.

'Moved, That the Houſe might be kept ſweet and clean; and the Serjeant was required to take Care that it might be ſo kept accordingly.

'*May* 16, 1662. *P. M.* Ordered, That every Knight of the Shire, now preſent in Town, do give amongſt the Servants of the Houſe of Commons Ten Shillings; and every Citizen, Burgeſs, or Baron, now in Town, Five Shillings; and every Knight, Citizen, Burgeſs, or Baron, that is abſent, to give double the ſaid Sums of Ten Shillings and Five Shillings reſpectively amongſt the ſaid Servants; and that if any of the Members that are preſent do not pay in their Monies before *Tueſday* Morning, ſuch as ſhall fail ſhall be taken as abſent, and pay double

the

the Sums before-mentioned respectively; and the said Monies is to be paid in to Mr. *Sharp*, Deputy to the Clerk of this House; and is to be distributed amongst the Servants by Mr. Speaker.

'Revived *May* 12, 1664.—*Jan.* 2, 1666.—*April* 24, 1688.—*March* 4, 1670.—*March* 24, 1672.—*May* 31, 1678.—*Oct.* 31, 1689.—*Dec.* 15, 1690; and *Jan.* 1, 1695.

'*April* 6, 1700. The Clerk of the House, Serjeant at Arms, Clerk Assistant, and other Clerks and Officers of this House, having served with great Diligence and Fidelity, and being but slenderly provided for, resolved, That the said Clerk of the House, Serjeant at Arms, Clerk Assistant, and other Clerks and Officers, be humbly recommended to his Majesty, that they may have competent Salaries answerable to their Trust and Services settled upon them.

'*Feb.* 22, 1731. Resolved, That all Fees to be demanded or taken by any Officer or Servant of the House, be fixed according to the Rate of the List of Fees entered in the *Journal* of the Year 1700; and that Tables of the same, being first perused by Mr. Speaker, be printed and hung up in the Speaker's Chamber, in the Lobby, and in the Clerk's Office; and that the Clerk take Care to renew such printed Tables, from Time to Time, as Occasion shall require; and to preserve them always fair and legible.

'Resolved and declared, *Nem. Con.* That if any Officer, or Servant, of this House shall presume to demand or take any greater Fee than what shall be contained in the said printed Tables, this House will proceed against such Officer, or Servant, with the utmost Severity.

'Ordered, That the said Resolutions be Standing Orders of the House.

'Ordered, That the said Resolutions be printed with the said Tables.

Orders about Post-Letters and Franking.

'*Aug.* 14, 1689. Resolved, That the breaking open Letters directed to, or sent from, any Member of this House, is a Breach of the Privilege of this House.

'*Feb.*

'*Feb.* 1, 1692. Ordered, That no Letter from any Member of this Houſe go frank by the Poſt, but what ſhall be ſigned by the proper Hand of ſuch Member.

'*March* 7, 1694. Ordered, That the Poſt-Maſter attending this Houſe do not, at any Time, deliver any Letters to any Members during the Sitting of the Houſe.——Revived *December* 20, 1695.

'*Feb.* 10, 1698. Ordered, That no Poſt Letters directed to any Members of the Houſe be delivered out untill after the Riſing of the Houſe.——Revived *February* 18, 1700.—*October* 24, 1702.—*November* 9, 1702.—Declared a Standing Order *October* 24, 1704; and *December* 21, 1708.

'*May* 27, 1698. Reſolved, That it is the Opinion of this Committee, That, as a proper Means to prevent the intercepting of Letters belonging to the Members of the Houſe for the future, the Perſon appointed to bring them from the Poſt-Office ſhall conſtantly attend two Hours, at the leaſt, at the Place appointed for the Delivery of the ſaid Letters; and take Care, during his Stay there, to deliver the ſame to the ſeveral Members to whom they ſhall be directed, and to no other.

'Reſolved, That it is the Opinion of this Committee, That the ſaid Officer, upon his going away, ſhall give ſuch Letters as ſhall remain undelivered to one of the Servants belonging to the Houſe, who ſhall take Care to deliver the ſaid Letters to the ſeveral Members to whom they are directed, or their known Servants, or unto ſuch Perſon who ſhall produce a Note under the Hands of the Members who ſhall ſend for the ſame.

'Reſolved, That it is the Opinion of this Committee, That a more convenient Place ſhould be appointed from whence the Letters may be delivered, or that the Place from whence they are at preſent delivered be enlarged.

'The ſaid Reſolutions, being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed unto by the Houſe.

'*March*

'*March* 28, 1727. The two firſt Orders revived, and ſent to the Commiſſioners for executing the Office of Poſt-Maſter-General.

'*Sept.* 9, 1715, 1 *Geo.* A Complaint being made to the Houſe of great Abuſes in franking Poſt Letters, tending to the leſſening of his Majeſty's Revenues, and to the diſperſing of ſeditious and ſcandalous Libels, ordered, *Nem. Con.* That no Member of this Houſe do preſume to frank any Letter, unleſs the whole Superſcription of ſuch Letter be of his own Hand-writing.

'A Motion being made, and the Queſtion being put, That no Letter directed to any Member of this Houſe be carried free of the Duty of Poſtage, unleſs ſuch Member then actually reſides at the Place to which ſuch Letter is directed, it was reſolved in the Affirmative.

'Ordered, That no Member of this Houſe do preſume to frank any public News Paper to be ſent into the Country, but ſuch as are printed.

'*May* 22, 1728. Ordered, That, to prevent the intercepting of Letters directed to the Members of this Houſe, the Perſon appointed to bring Letters from the General Poſt-Office to this Houſe, or ſome other Perſon to be appointed by the Commiſſioners for executing the Office of Poſt-Maſter-General, do, for the future, every Day during the Seſſion of Parliament, (*Sundays* excepted) conſtantly attend from Ten o'Clock in the Morning till One in the Afternoon; and alſo for two Hours, at leaſt, immediately after the Riſing of the Houſe; and alſo on every *Wedneſday*, *Friday*, and *Monday*, from Five of the Clock in the Afternoon till Seven, at the Place appointed for the Delivery of the ſaid Letters; and take Care, during his Stay there, to deliver the ſame to the ſeveral Members to whom they ſhall be directed, or to their known Servants, or others bringing Notes under the Hands of the Members ſending for the ſame.

'Ordered, That the ſaid Officer do, upon his going away, lock up ſuch Letters as ſhall remain undelivered;

delivered; and that no Letters be delivered, but within the Hours aforeſaid.

'Ordered, That the ſaid Order be ſent to the Commiſſioners for executing the Office of Poſt-Maſter-General.——Revived, with Additions, *January* 14, 1729.

'*April* 16, 1735. The Houſe, according to Order, proceeded to take into Conſideration the Report from the Committee to whom the Copy of his Majeſty's Warrant, whereby Letters are permitted to paſs free from the Duty payable upon Poſt Letters, was referred: And the ſaid Report was read, and the Reſolutions of the Committee are as follow, *viz.*

'Reſolved, *firſt*, That it is the Opinion of this Committee, That the Privilege of franking Letters by the Knights, Citizens, and Burgeſſes choſen to repreſent the Commons in Parliament, began with the erecting a Poſt-Office within this Kingdom by Act of Parliament.

'Reſolved, *ſecondly*, That it is the Opinion of this Committee, That all Letters, (not exceeding two Ounces) ſigned by the proper Hand of, or directed to, any Member of this Houſe, during the Sitting of every Seſſion of Parliament, and forty Days before, and forty Days after every Summons or Prorogation, ought to be carried, and delivered freely and ſafely, from all Parts of *Great-Britain* and *Ireland*, without Charge of Poſtage.

'Reſolved, *thirdly*, That it is the Opinion of this Committee, That it is an high Infringement of the Privilege of the Knights, Citizens, and Burgeſſes choſen to repreſent the Commons of *Great-Britain* in Parliament, for any Poſt-Maſter, his Deputy or Agents, in *Great-Britain* or *Ireland*, to detain or delay, open or look into, by any Means whatſoever, any Letter directed to, or ſigned by the proper Hand of, any Member, without an expreſs Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for ſuch detaining, delaying, opening, or looking into.

'Reſolved, *fourthly*, That it is the Opinion of this Committee, That all Letters directed to any

Members of this Houſe, at any Place within the Bills of Mortality, be carried by the proper Officers of the Poſt-Office to the Houſe or Lodgings of ſuch Member, or to the Lobby of the Houſe of Commons.

'Reſolved, *fifthly*, That it is the Opinion of this Committee, That it is a notorious Breach of the Privilege of the Houſe of Commons, for any Perſon to counterfeit the Hand, or put the Name, of any Member of the Houſe of Commons upon any Letter, in order to prevent its being charged with the Duty of Poſtage.

'Reſolved, *ſixthly*, That it is the Opinion of this Committee, That ſuch Perſon as ſhall preſume to do the ſame ought to be proceeded againſt with the utmoſt Severity.

'The firſt and ſecond Reſolutions, upon the Queſtion, agreed to by the Houſe: The Debate of the third adjourned.

'*April* 25, 1735. The Debate of the third Reſolution reſumed; and the ſaid Reſolution being read a ſecond Time, and amended, was agreed to by the Houſe as follows, *viz.*

'Reſolved, That it is a high Infringement of the Privilege of the Knights, Citizens, and Burgeſſes, choſen to repreſent the Commons of *Great-Britain* in Parliament, for any Poſt-Maſter, his Deputy or Agents, in *Great-Britain* or *Ireland*, to open or look into, by any Means whatſoever, any Letter directed to, or ſigned by the proper Hand of, any Member, without an expreſs Warrant in Writing, under the Hand of one of the Principal Secretaries of State, for every ſuch opening or looking into; or to detain or delay any Letter directed to, or ſigned with the Name of, any Member, unleſs there ſhall be juſt Reaſon to ſuſpect ſome Counterfeit of it, without an expreſs Warrant of a Principal Secretary of State, as aforeſaid, for every ſuch detaining or delaying.

'The reſt of the Reſolutions of the ſaid Committee, being ſeverally read a ſecond Time, were, upon the Queſtion ſeverally put thereupon, agreed to by the Houſe.

'*Jan.* 26, 1742. Complaint being made to the Houſe, That the Hand Writing of a Member of this Houſe had been counterfeited upon ſeveral Letters, in order to prevent their being charged with the Duty of Poſtage, reſolved, *Nem. Con.* That an humble Addreſs be preſented to his Majeſty, That he will be graciouſly pleaſed to give Directions to his Attorney-General to proſecute at Law ſuch Perſons as counterfeit, or otherwiſe fraudulently make Uſe of, the Hand Writing of Members of this Houſe upon Letters, in order to prevent ſuch Letters being charged with the Duty of Poſtage.

'*June* 2, 1626, 2 *Car.* I. The Houſe to be called, and no Excuſe to be made till the Houſe be fully called over; and then the Excuſes to be heard, the Forfeitures to be diſpoſed and diſburſed, in ſuch Sort as the Houſe ſhall think fit; and if any failing, and their Excuſes not allowed, ſhall not pay the Money forfeited within a Week, then the Serjeant at Arms to be ſent for him to come to the Houſe to anſwer it; and, after the Houſe is called over, the Defaulters to be preſently called. Call of the Houſe, the Manner.

'The Sum to be forfeited 10*l.* *June* 10, 1626.

'*Dec.* 8, 1699. Ordered, That Lamps be ſet up every Night upon the Stairs to this Houſe, and in the Paſſages and other convenient Places, for the better Accommodation of the Members in their Attendance upon Committees. Orders for ſetting up Lamps.

'*Feb.* 19, 1700. Ordered, That Lamps be ſet up every Night upon the Stairs to this Houſe, and in the Paſſages and other convenient Places, for the better Accommodation of the Members in their Attendance upon the Service of the Houſe and Committees.

'Ordered and declared a Standing Order.

'*Feb.* 19, 1701. Ordered, That the Serjeant at Arms do give Notice to the proper Officer that there be more Lamps or Lights ſet up in convenient Places leading to, and in the Paſſages about, the Houſe, and the Streets leading thereto.

Orders againſt Obſtructions in the Streets, and againſt Gaming in *Weſtminſter* Hall, &c.

'*Feb.* 12, 1667. Ordered, That the Conſtables, and other Officers of *Middleſex* and *Weſtminſter* concern'd do take Care that, from Eight o'Clock in the Morning till Two in the Afternoon, being the uſual Times of the Meeting and Riſing of this Houſe, the Paſſages through the Streets between *Temple* Bar and *Weſtminſter* Hall be kept free and open, and that no Obſtruction be made by Cars, Drays, Carts, or otherwiſe, to hinder the Paſſage of the Members to and from this Houſe; and the Serjeant at Arms attending this Houſe is to give Notice of this Order; and it is referred to Mr. *Done* and Mr. *Bonithon*, Juſtices of the Peace for the County of *Middleſex*, to ſee this Order executed and performed.

'Altered from Nine to Three o'Clock in the Afternoon.

'Altered from Ten to Four in the Afternoon, *Nov.* 19, 1685. Altered from Eleven to One, and from Four to Six in the Afternoon, *Jan.* 16, 1735.

'*Jan.* 28, 1697. Ordered, That Mr. Speaker do iſſue his Warrant to the High Conſtable of *Weſtminſter*, that the Conſtables in *Weſtminſter* do take Care there be no Gaming or other Diſorders in *Weſtminſter* Hall, during the Sitting of Parliament.

'*Dec.* 12, 1699. Ordered, That the Conſtables in waiting do take Care that there be no Gaming or other Diſorders in *Weſtminſter* Hall, during the Sitting of Parliament; and that there be no Annoyance by Chairmen, or otherwiſe, thereabouts.

'Reſolved, That theſe Orders be ſent to the High Bailiff of *Weſtminſter*, and that he do ſee the ſame put in Execution.

'Ordered and declared a Standing Order, *February* 19, 1700.

'Theſe Orders renewed every Seſſion.

'*Jan.* 21, 1715. Ordered, That the Juſtices of Peace for the Cities of *London* and *Weſtminſter* do take Care that the Scavengers keep the Paſſages through the Streets, between the *Royal-Exchange* and *Weſtminſter* Hall, free and open from all Nuſances whatſoever; and that there be no Obſtruction to hinder the Paſſage of the Members to and from

from this Houſe; and that the Serjeant at Arms, attending this Houſe, do give Notice of this Order to the Juſtices aforeſaid.

'*Jan.* 14, 1729. Ordered, That the Serjeant at Arms, attending this Houſe, do take Care that there be no Gaming or other Diſorders in the Room now fitted up for the Footmen attending the Members of this Houſe to wait in.

'Ordered, That the Serjeant at Arms, attending this Houſe, do take into his Cuſtody ſuch Footmen as ſhall preſume to diſobey the Orders of the Houſe; and that no ſuch Footmen be diſcharged out of Cuſtody, but by ſpecial Order of the Houſe.

'*Feb.* 8, 1739. The Houſe was moved, That the Journal of the Houſe, of the 21ſt of *January*, 1715, in relation to their Order to the Juſtices of the Peace for the Cities of *London* and *Weſtminſter*, might be read; and the ſame was read accordingly.

'And the ſame Order for keeping the Streets free and open was made.

'Complaint being made to the Houſe, That great Numbers of idle and diſorderly Perſons do daily, under the Pretence of aſking Charity, infeſt the Streets and public Places of the City and Liberty of *Weſtminſter*, to the great Annoyance and Interruption of the Members of this Houſe in their Paſſage to and from this Houſe, and of other Perſons going on their lawful Occaſions, notwithſtanding the great Collections which have been made for the Relief of the Poor during the preſent ſevere Seaſon, over and above the Proviſion of the reſpective Pariſhes for that Purpoſe, ordered, That Mr. Speaker do ſend to the Juſtices of the Peace for the ſaid City and Liberty, and to the Veſtries of the reſpective Pariſhes there, that Directions may be given forthwith by them to the Beadles, Conſtables, and other Officers of the ſaid reſpective Pariſhes, to put the Laws in Execution againſt all idle and diſorderly Perſons who ſhall be found infeſting the Streets, and other public Places of the ſaid City and Liberty, under Pretence of aſking Charity.

Orders and Resolutions touching Trials on Impeachments.

'*March* 16, 1640. Mr. *Whitlocke* reported from the Committee for the Earl of *Strafford*, That whereas the Houſe of Commons have formerly declared to their Lordſhips, That the Earl of *Strafford* being impeached by them, do conceive it doth belong to them to reſolve in what Manner they will be preſent at this Trial, and that of Right they may come as a Houſe, if they pleaſe; but, for ſome ſpecial Reaſons upon this Occaſion, they are reſolved to ſend their own Members, as a Committee of the whole Houſe, authorized by the Houſe to be preſent at the Trial, to hear, and ſome particular Perſons of themſelves to manage, the Evidence.

'The Houſe of Commons doth ſtill continue their Reſolutions in every Part thereof and therein, and in the Matter of allowing Counſel, and their Lordſhips' Reſervation to their Judgments, what is Matter of Fact, and what not; the Houſe of Commons do ſave to themſelves, as they have formerly done, all Rights that do pertain to them, according to the Laws and the Courſe of Parliament; and to declare that the Proceedings in this Caſe ſhall not be drawn into Precedent to the Prejudice of the Commons.

'Ordered, That this Proteſtation be, by way of Conference, transferred to the Lords.

'Upon Sir *John Colepeper*'s Report from the Committee that was appointed to view the Place, and to regulate the Order and the Manner of the Committee of the Houſe coming and being there, it was ordered, *firſt*, That the Members of the Commons ſhall ſit together, without intermixing of any others in that Place which is prepared for them.

'*Secondly*, That, in reſpect of the Inconveniency of it, the Members ſhall not come to meet at the Houſe on *Monday* Morning, but come directly to the Place of Trial.

'*Thirdly*, That, for the well ordering of the Buſineſs, the ſame Committee, with the Addition of Mr. *Perd*, ſhall be preſent at the ſeveral Doors, at the Entrance of the Place appointed for the Members of the Houſe, by Six of the Clock; and are directed and required by the Houſe to admit none

but

but ſuch as ſhall bring Tickets of their Names and the Places for which they ſerve; and that none of the Members of the Houſe ſhall be admitted to come in, before thoſe that are appointed to attend at the Doors ſhall come in; and that if any other Stranger or Member of the Houſe ſhall offend againſt this Order, thoſe who are appointed to attend this Service ſhall report it to the Houſe. And it is further ordered, That all the Houſe ſhall be there by Eight of the Clock at the fartheſt, and that ſuch Places ſhall be reſerved for them that attend this Service, as they ſhall find to be moſt proper and convenient for them.

'Ordered, That the Serjeant at Arms ſhall attend within the Court, and his Men without, to be employed in ſuch Service as they who manage the Evidence ſhall appoint.

'He farther reported, That the Speaker might be preſent in ſome private Place, and as a particular Member of this Houſe; but the Committee doth not think fit that the Houſe ſhould declare any Order in it, touching the Members of this Houſe being covered at the Trial; the Committee thinks it not fit for them to deliver any Opinion, only they offer the Difference that may be, when both Houſes meet, or Committees of both Houſes, and the preſent Caſe, where the Lords are to meet as a Houſe, and the Commons as a Committee of their Houſe.

'*P. M.* Ordered, That thoſe Members of the Houſe, that are appointed to manage the Evidence at the Trial of the Earl of *Strafford*, ſhall have Power, if they have been ſworn at the Bar, to forbear to proceed any farther in the managing of their Evidence, untill they have reſorted unto the Houſe, and have received farther Orders from, *&c.*

'*March* 24, 1640. Ordered, That no Member of this Houſe ſhall ſtand in the Place appointed for the Earl of *Strafford*'s Witneſſes at the Time of the Trial, unleſs it be ſuch as, by the ſaid Earl, are required to be there as Witneſſes.

'Ordered, That no Member of this Houſe confer with the Earl of *Strafford* during the Time of his Trial.

'*Ordered*,

'*Feb.* 16, 1641. Mr. *Whiſther*, a Member of this Houſe, of his own Accord, did publickly confeſs he had committed an Error, (being a Member of this Houſe) in being Bail for the Biſhop of *Oxon*, who was accuſed, by this Houſe, of High Treaſon, and that he was heartily ſorry for it; which, upon his voluntary Acknowledgement thereof, the Houſe reſted ſatisfied, and pardoned his Offence.

'Reſolved, *&c.* That no Perſon or Perſons whatſoever, whom this Houſe ſhall accuſe of High Treaſon, and be thereupon committed, ought to be bailed without the Conſent of this Houſe.

'*March* 8, 1641. Reſolved, That the Committee of this Houſe, employed to manage the Evidence at the Trial of Mr. Attorney, in the Lords' Houſe, ſhall not continue there to hear any Counſel plead to the Matter of Fact, or to the Privilege of Parliament.

'*May* 11, 1642. Ordered, That this Caſe of *St. Gregory*'s, in reſpect it is no Impeachment, but a Declaration of the Injuries done to the Pariſhioners, and of their private Intereſt, that no Members of this Houſe ſhall attend the Management of it before the Lords.

'*Jan.* 10, 1643. Reſolved, *&c.* That this Houſe doth declare, That the Lords demanding of any particular Members, and nominating the ſaid Members to conſider with about any Matters, as they did by the Meſſage of the 8th of *January*, 1643, in the Buſineſs touching the Queen's Impeachment, is a Breach of the Privilege of this Houſe, and therefore cannot be yielded unto, or granted, by this Houſe.

'*Dec.* 5, 1667. Reſolved, *&c.* That when any Subject ſhall be impeached of High Treaſon, generally, by the Houſe of Commons, before the Lords in Parliament, and deſired to be forthwith ſecured, ſuch Perſon impeached ought, for the Safety of the King and Kingdom, to be accordingly ſecured.

'Reſolved, *&c.* That when ſuch impeached Perſon ſhall be ſecured, The Lords may limit a convenient Time to bring his particular Charge before them, for the avoiding Delays in Juſtice.

'*Nov.*

'*Nov.* 29, 1680. Ordered, That the Members of this Houſe do ſit together, without mingling with other Perſons, in that Place which is prepared for them at the Trial of the Lord *Strafford*; and that Mr. *Howard*, Captain of the Yeomen of the Guard, is deſired to take Care herein.

'*Dec.* 2, 1680. Ordered, That nothing that hath been, or ſhall be, ſaid by any Member of this Houſe, or by any Perſon that ſhall be produced as a Witneſs in Behalf of the Commons of *England*, in the Trial of *William* Viſcount *Stafford*, be printed or publiſhed without the Leave of this Houſe.

'*Dec.* 6, 1680. *P. M.* Ordered, That no Member of this Houſe do go into the Court in *Weſtminſter* Hall To-morrow Morning before this Houſe ſhall have demanded Judgment at the Bar of the Houſe of Lords, upon the Impeachment of the Commons of *England* againſt *William* Viſcount *Stafford*; and that Mr. *Howard* have Notice hereof.

'*June* 4, 1689. Reſolved, That it is the Opinion of this Houſe, That a Pardon is not pleadable in Bar of an Impeachment in Parliament.

'*July* 2, 1698. Ordered, That the Officers and Door-keepers of this Houſe do attend in *Weſtminſter* Hall upon *Monday* Morning next, at the Place appointed for the Committees of this Houſe, to be preſent at the Trial of *Peter Longueville*, upon the Impeachment againſt him; and do take Care that none but Members be admitted into that Place.

'*June* 17, 1701, 13 *Gul.* Ordered, That no Member of this Houſe do preſume to go into the Place appointed by the Lords for the Trial of the Lord *Somers*, without the Leave of this Houſe.

'*June* 20, 1701. Reſolved, That the Lords have refuſed Juſtice to the Commons, upon the Impeachment againſt the Lord *Somers*, by denying them a Committee of both Houſes, which was deſired by the Commons as the proper and only Method of ſettling the neceſſary Preliminaries, in order to the proceeding to the Trial of the ſaid Lord *Somers* with Effect; and afterwards by proceeding to a pretended Trial of the ſaid Lord, which could tend only to

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protect him from Juſtice, by Colour of an illegal Acquittal; againſt which Proceedings of the Lords the Commons do ſolemnly proteſt, as being repugnant to the Rules of Juſtice, and therefore null and void.

'Reſolved, That the Houſe of Lords, by the pretended Trial of *John* Lord *Somers*, have endeavoured to overturn the Right of Impeachment lodged in the Houſe of Commons, by the antient Conſtitution of this Kingdom, for the Safety and Protection of the Commons againſt the Power of great Men; and have made an Invaſion upon the Liberties of the Subject, by laying a Foundation of Impunity for the greateſt Offenders.

'A Motion being made, and the Queſtion being put, That the ill Conſequences, which may at this Time attend the Delay of the Supplies given by the Commons for the preſerving the public Peace, and maintaining the Balance of *Europe*, by ſupporting our Allies againſt the Power of *France*, are to be imputed to thoſe, who, to procure an Indemnity for their own enormous Crimes, have uſed their utmoſt Endeavours to make a Breach between the two Houſes, it was reſolved in the Affirmative.

'Ordered, That no Member of this Houſe do preſume to appear, on *Monday* next, at the pretended Trial of the Earl of *Orford*, upon Pain of incurring the utmoſt Diſpleaſure of this Houſe.

'*Nov.* 2, 1702. Reſolved, That Right hath not been done the Commons upon the Impeachments before the Lords brought againſt divers Peers in the 13th Year of his late Majeſty's Reign.

'*Feb.* 14, 1709. Ordered, That nothing that ſhall be ſaid by any Member of this Houſe, or by any Perſon that ſhall be produced as a Witneſs in Behalf of the Commons of *Great-Britain*, in the Trial of Dr. *Henry Sacheverell*, be printed or publiſhed without the Leave of this Houſe.

'Ordered, That no Perſons but Members of this Houſe do preſume to ſit in the Places prepared for the ſaid Members in *Weſtminſter* Hall, at the Trial of Dr. *Sacheverell*.

'Ordered,

'Ordered, That the Paſſage for the Members of the Houſe, to and from their Places in *Weſtminſter* Hall, be kept clear, for their more convenient Paſſage; and that the Serjeant and Officers, attending this Houſe, do take Care accordingly.

'*Feb.* 25, 1709. Ordered, That the Door of the Place, appointed for the Members of this Houſe, at the Trial of the ſaid Dr. *Henry Sacheverell*, be not opened till Mr. Speaker comes to the ſame.

'Ordered, That the Managers of the Impeachment againſt Dr. *Henry Sacheverell* do firſt go out of the Houſe to the Places appointed for them in *Weſtminſter* Hall, before the other Members do go out of the Houſe.

'Ordered, That after Mr. Speaker ſhall leave the Chair, according to the Reſolution of the Houſe, to be at the Trial of Dr. *Henry Sacheverell*, as a Committee of the whole Houſe, the Members be called over, by the Clerk, by their Counties, as uſual, for the more regular Proceeding.

'Ordered, That no Member do preſume to go out of the Houſe till the County for and in which he ſerves be called.

'Ordered, That the Conſtables of *Weſtminſter* give their Attendance for keeping the Paſſage to and from *Weſtminſter* Hall clear, that the Members of this Houſe may not be incommoded. The ſame Orders *Feb.* 9, *March* 15, 1715; and *June* 24, 1717, at Lord *Oxford*'s Trial.

'*May* 9, 1668. The Houſe then reſumed the Conſideration of the Queſtion, before propoſed, which being again debated, Orders and Reſolutions touching Appeals and Writs of Error.

'Reſolved, &c. That whoſoever ſhall be aiding or aſſiſting in putting the Order of Sentence of the Houſe of Lords, in the Caſe of *Thomas Skinner* againſt the *Eaſt-India* Company, in Execution, ſhall be deemed a Betrayer of the Rights and Liberties of the Commons of *England*, and an Infringer of the Privilege of this Houſe.

'Reſolved, &c. That the Votes of the Lords, delivered at the late Conference, be kept in the Hands

of the Clerk of this Houſe, but not entered in the *Journal*.

'*May* 15, 1675. Reſolved, *&c.* That whoſoever ſhall appear at the Bar of the Lords' Houſe, to proſecute any Suit againſt any Member of this Houſe, ſhall be deemed a Breaker and Infringer of the Rights and Privileges of this Houſe.

'*May* 18, 1675. Sir *Richard Temple* reports from the Lords, That he had attended their Lordſhips, according to the Commands of this Houſe, with the Meſſage in the Caſe of Mr. *Onſlow*; to which the Lords returned an Anſwer; which, being in Writing, he delivered in at the Clerk's Table, which was read, and is as follows, *viz.*

'The Lords do declare, That it is the undoubted Right of the Lords, in Judicature, to receive and determine, in Time of Parliament, Appeals from inferior Courts, altho' a Member of either Houſe be concerned, that there may be no Failure of Juſtice in the Land; and from this Right, and the Exerciſe thereof, their Lordſhips will not depart; and the Matter of the Lords' Anſwer being debated, reſolved, *&c.* That it is the undoubted Right of this Houſe, that none of their Members be ſummoned to attend, or be proceeded againſt, in the Houſe of Lords, during the Sitting or Privilege of Parliament, *May* 18 and 19, 1675.

'*June* 7, 1675. A Copy of an Order of the Lords Spiritual and Temporal in Parliament aſſembled, dated the 31ſt of *May* laſt, and ſerved on Sir *John Fagg* on *Friday* laſt, was tendered and read, whereby the Lords have ordered to hear Counſel at the Bar, in the Caſe upon the Appeal there brought by *Thomas Shirley*, Eſq; againſt Sir *John Fagg*, and the Anſwer thereunto, on *Tueſday* the 8th of this inſtant *June*, at Ten o'Clock in the Forenoon; and a Debate ariſing thereupon, reſolved, *Nem. Con.* That as to the Caſe of Appeals brought againſt Sir *John Fagg* in the Houſe of Lords, Sir *John Fagg* ſhall have the Protection and Aſſiſtance of this Houſe.

'Reſolved, *Nem. Con.* That if any Perſon, or Perſons, ſhall be aiding or aſſiſting in putting in Exe-

cution

cution any Sentence or Judgment that ſhall be given by the Houſe of Lords upon the Appeal brought by Dr. *Shirley* againſt Sir *John Fagg*, a Member of this Houſe, ſuch Perſon and Perſons ſhall be adjudged, and taken to be, Betrayers of the Rights and Liberties of the Commons of *England*, and the Privilege of this Houſe, and ſhall be proceeded againſt accordingly.

'Ordered, That theſe Votes be made public, by ſetting them up in *Weſtminſter* Hall and in the Lobby of this Houſe; and that the Clerk of the Houſe do take Care to ſee it done.

'*June* 7, 1675. *P. M.* Reſolved, *Nem. Con.* That no Perſon committed for Breach of Privilege, by Order of this Houſe, ought to be diſcharged, during the Seſſions of Parliament, but by Order or Warrant of this Houſe.

'Reſolved, *Nem. Con.* That the Lieutenant of the Tower, in receiving and detaining in Cuſtody Sir *John Churchill*, Mr. Serjeant *Pemberton*, Mr. Serjeant *Peck*, and Mr. *Charles Porter*, hath performed his Duty according to Law; and for his ſo doing he ſhall have the Aſſiſtance and Protection of this Houſe.

'Reſolved, *Nem. Con.* That the Lieutenant of the Tower, in Caſe he hath received, or ſhall receive, any Writ, Warrant, Order, or Commandment, to remove or deliver any Perſon or Perſons, committed for Breach of Privilege, by any Order or Warrant of this Houſe, ſhall not make any Return thereof, or yield any Obedience thereto, before he hath firſt acquainted this Houſe, and received their Order and Direction how to proceed therein.

'Ordered, That theſe Reſolves be immediately ſent to the Lieutenant of the Tower.

'*June* 9, 1675. Reſolved, *Nem. Con.* That no Commoner of *England*, committed by Order or Warrant of the Houſe of Commons for Breach of Privilege, or Contempt of that Houſe, ought, without Order of that Houſe, to be, by any Writ of *Habeas Corpus*, or other Authority whatſoever, made to appear and anſwer; and to do and receive a Determination in the Houſe of Peers, during that Seſſion of Parliament wherein ſuch Perſon was ſo committed.

'Re-

'Reſolved, *Nem Con.* That the Order of the Houſe of Peers, for the iſſuing out Writs of *Habeas Corpus* concerning Mr. Serjeant *Peck*, Mr. Serjeant *Pemberton*, Sir *John Churchill*, and Mr. *Charles Porter*, is inſufficient and illegal; for that it is general and expreſs, no particular Cauſe of Privilege and Commands, the King's Great Seal to be put to Writs not returnable before the ſaid Houſe of Peers.

'Reſolved, *Nem. Con.* That the Lord-Keeper be acquainted with thoſe Reſolutions, to the End the ſaid Writs of *Habeas Corpus* may be ſuperſeded, as contrary to Law and the Privilege of this Houſe.

'*Nov.* 19, 1675. Whereas this Houſe hath been informed of ſeveral Appeals, depending in the Houſe of Lords from Courts of Equity, to the great Violation of the Rights and Liberties of the Commons of *England*. It is this Day reſolved and declared, That whoſoever ſhall ſollicit, plead, or proſecute any Appeal againſt any Commoner of *England*, from any Court of Equity before the Houſe of Lords, ſhall be deemed and taken as a Betrayer of the Rights and Liberties of the Commons of *England*; and ſhall be proceeded againſt accordingly.

'Reſolved, That Copies of this Reſolution and Declaration be forthwith publickly affixed upon the Door of the Lobby of this Houſe and *Weſtminſter* Hall Gates, and upon the Gates of the two Serjeants Inns, and the four Inns of Court, and the ſeveral Inns of Chancery, to the End that all Perſons concerned may take Notice thereof; and that the Serjeant at Arms, now attending this Houſe, do cauſe the ſame to be ſo affixed accordingly.

'*Nov.* 27, 1704, 3 *Annæ*. Reſolved, That this Houſe will not give Leave to any of their Members to plead at the Bar of the Lords' Houſe, in Caſes of Appeals from Courts of Equity.

On the King's taking Notice of Buſineſs tranſacted in the Houſe before determined, Breach of Privilege, &c.

'*Nov.* 12, 1640. Ordered, That Mr. Speaker be intreated to be here, this Afternoon, to ſit at the great Committee for *Iriſh* Affairs; and, if there be Cauſe, to reſume the Houſe.

'Upon

'Upon Mr. Comptroller's saying, That his Majesty taking Notice, &c. it was observed, the great Inconveniences that might fall upon this House, if his Majesty should be informed of any Thing that is in Agitation in this House before it was determined, it was moved, That some Course might be taken for preventing this Inconveniency.

'*July* 6, 1641. *First*, Resolved, upon the Question, That the issuing out of the Warrants from the Lords, and others of the Privy Council, compelling Mr. *Holles*, and the rest of the Members of that Parliament, 3 *Car.* I. during that Parliament, to appear before them, is a Breach of the Privilege of Parliament by those Privy Counsellors.

'*Secondly*, Resolved, &c. That the committing of Mr. *Holles* and the rest, by the Lords and others of the Privy Council, during the Parliament, is a Breach of the Privilege of Parliament by those Lords and others.

'*Thirdly*, Resolved, &c. That the searching and sealing of the Chamber, Study, and Papers of Mr. *Holles*, Mr. *Selden*, and Sir *John Elliot*, being Members of this House, and during the Parliament, and issuing Warrants to that Purpose, was a Breach of the Privilege of Parliament; and by those that executed it.

'*Fourthly*, Resolved, &c. That the exhibiting an Information, in the Court of Star-Chamber, against Mr. *Holles* and the rest, for Matters done by them in Parliament, being Members of the Parliament, and the same so appearing in the Information, is a Breach of Privilege of Parliament.

'*Fifthly*, Resolved, &c. That Sir *Robert Heath*, Sir *Humphry Davenport*, Sir *Heneage Finch*, Mr. *Hudson*, and Sir *Robert Berkley*, that subscribed their Names to the Information, are guilty thereby of the Breach of Privilege of Parliament.

'*Sixthly*, Resolved, &c. That there was Delay of Justice towards Mr. *Holles*, and the rest, that appeared upon the *Habeas Corpus*, in that they were not bailed in *Easter* and *Trinity* Term, 5 *Car.*

'*Seventhly*,

'*Seventhly*, Reſolved, *&c.* That Sir *Nicholas Hyde*, then Chief Juſtice of the King's Bench, is guilty of this Delay.

'*Eighthly*, Reſolved, *&c.* That Sir *William Jones*, then being one of the Juſtices of the Court of King's Bench, is guilty of this Delay.

'*Ninthly*, Reſolved, *&c.* That Sir *James Whitlocke*, then one of the Juſtices of the King's Bench, is not guilty of this Delay.

'*July* 8, 1641. *Tenthly*, Reſolved, *&c.* That Sir *George Crooke*, Knight, then one of the Judges of the King's Bench, is not guilty of this Delay.

'*Eleventhly*, That the continuing of Mr. *Holles* and the reſt of the Members in Priſon, by the then Judges of the King's Bench, for not putting in Sureties for their good Behaviour, was without juſt or legal Cauſe.

'*Twelfthly*, That the exhibiting of the Information againſt Mr. *Holles*, Sir *John Elliot*, and Mr. *Valentine*, in the King's Bench, being Members of the Parliament, for Matters done in Parliament, was a Breach of the Privilege of Parliament.

'*Thirteenthly*, That the over-ruling of the Pleas, pleaded by Mr. *Holles*, Sir *John Elliot*, and Mr. *Valentine*, upon that Information, to the Juriſdiction of the Court, was againſt the Law and Privilege of Parliament.

'*Fourteenthly*, That the Judgment given upon a *Nihil dicit*, againſt Mr. *Holles*, Sir *John Elliot*, and Mr *Valentine*, and Fine thereupon impoſed, and their ſeveral Impriſonments thereupon, was againſt the Law and the Privilege of Parliament.

'*Fifteenthly*, That the ſeveral Proceedings againſt Mr. *Holles* and the reſt, by committing them, and proſecuting them in the Star-Chamber, and in the King's Bench, is a Grievance.

'*Sixteenthly*, That Mr. *Holles*, Mr *Strode*, Mr. *Valentine*, and Mr. *Long*, and the Heirs and Executors of Sir *John Elliot*, Sir *Miles Hobard*, and Sir *Peter Harman* reſpectively, ought to have Reparation for their reſpective Damages and Sufferings againſt the Lords and others of the Council, that put

their

their Hands to the Information in the Star-Chamber, and the Judges of the King's Bench.

'*Seventeenthly*, That Mr. *Lawrence Whitaker*, being a Member of the Parliament, 3 *Car.* and entering into the Chamber of Sir *John Elliot*, (being likewiſe a Member of this Parliament) ſearching of his Trunks and Papers, and ſealing of them, is guilty of the Breach of Privilege of Parliament; this being done before the Diſſolution of the Parliament.

'Reſolved, upon the Queſtion, That Mr. *Lawrence Whitaker*, being guilty of the Breach of Privilege as aforeſaid, ſhall be ſent forthwith to the Tower, there to remain Priſoner during the Pleaſure of the Houſe.

'Mr. *Whitaker* was called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence againſt him.

'*Dec.* 10, 1641. Reſolved, *&c.* That the ſetting of any Guard about this Houſe, without the Conſent of this Houſe, is a Breach of the Privilege of this Houſe; and therefore ſuch Guards ought to be diſcharged.

'Reſolved, *&c.* That this Guard ſhall be immediately diſcharged by the Command of this Houſe.

'*Dec.* 14, 1641. The Gentleman-Uſher of the Black Rod came and acquainted Mr. Speaker, That his Majeſty had ſent for the Houſe of Commons to attend him preſently in the Lords' Houſe.

'*N. B.* The King's Speech not entered.

'To repreſent unto the Lords, How the antient Privilege of the Lords and Commons were now broken, in regard that his Majeſty took Notice of a Bill that was paſſing before it was preſented to his Majeſty by the Conſent of the Lords and Commons; and likewiſe in preſcribing Savings, or Limitations, to a Bill before it was preſented to his Majeſty in the uſual Manner; and to deſire their Lordſhips to join with this Houſe in petitioning his Majeſty, That this Inconveniency and Breach of Privilege, for the future, may be forborne.

'Reſolved, upon the Queſtion, That a Meſſage be ſent to the Lords, to deſire a Conference with the Lords concerning the Breach of Privilege of Par-

liament, in two Particulars, now moved concerning his Majeſty's Speech; and to deſire their Lordſhips to join with this Houſe, in acquainting his Majeſty herewithal, in an humble Petition; and to deſire that the like Inconveniency may be forborne for the future.

'*Dec.* 16, 1641. Mr. *Pymme* reports from the Committee appointed to conſider of the Breach of Privilege of Parliament, by reaſon of his Majeſty's Speech to both Houſes on *Tueſday* laſt. *Firſt*, It was reſolved, upon the Queſtion, That the Privilege of Parliament was broken, by his Majeſty's taking Notice of the Bill for preſſing being in Agitation in both Houſes, and not agreed upon.

'*Secondly*, Reſolved, upon the Queſtion, That the Privilege of Parliament is broken, That his Majeſty ſhould propound a Limitation and proviſional Clauſe to be added to the Bill before it was preſented to him by Conſent of both Houſes.

Thirdly, Reſolved, *&c.* That the Privilege of Parliament is broken, in that his Majeſty did expreſs his Diſpleaſure againſt ſome Perſons, for Matters moved or debated in Parliament, during the Debate and Preparation of that Bill.

'That a declaratory Proteſtation ſhall be entered in the Houſe, of the Claim of thoſe Privileges and Liberties; and that the Lords ſhall be moved, That the like declaratory Proteſtation be entered in the *Journals* of their Houſe.

'That a petitionary Remonſtrance to his Majeſty ſhall be prepared, declaring the Right of Parliament to theſe Privileges, and the Particulars wherein they have been broken; with an humble Deſire, that the like may not be done hereafter; and that his Majeſty will be pleaſed to diſcover the Parties, by whoſe Miſinformation and evil Counſel his Majeſty was induced to this Breach of Privilege, that ſo they may receive condign Puniſhment for the ſame; and that it be deſired that his Majeſty would take no Notice of any particular Man's Speeches or Carriage, concerning any Matter treated in Parliament.

'A

'A declaratory Proteſtation and a petitionary Remonſtrance, to the Effect above-mentioned, were preſented to the Houſe, and read.

'The Lords agreed to the ſame; and it was to be preſented by Committees of both Houſes.

'*Dec.* 20, 1641. Reſolved, *&c.* That, in no Caſe, a Proteſtation ought to be deſired by any Member of this Houſe, or admitted by this Houſe, being deſired.

'*Jan.* 3, 1641. Reſolved, upon the Queſtion, That the ſeveral Parties now ſealing up the Trunks or Doors, or ſeizing the Papers of Mr. *Pymme*, Mr. *Holles*, or any other Member of this Houſe, that the Serjeant ſhall be informed of, ſhall be forthwith apprehended, and brought hither as Delinquents; and that the Serjeant ſhall have Power to break open the Doors, and to break the Seals from off the Trunks.

'Reſolved, upon the Queſtion, That Mr. Speaker ſhall ſign a Warrant, directed to the Serjeant at Arms attending on this Houſe, to the Effect of the Order aboveſaid.

'Reſolved, upon the Queſtion, That if any Perſons whatſoever ſhall come to the Lodging of any Member of this Houſe, and there do offer to ſeal the Trunks, Doors, or Papers of any Member of this Houſe, or to ſeize upon their Perſons, that then ſuch Members ſhall require the Aid of the Conſtable to keep ſuch Perſons in ſafe Cuſtody till this Houſe do give further Order; and this Houſe doth further declare, That if any Perſon whatſoever ſhall offer to arreſt or detain the Perſon of any Member of this Houſe, without firſt acquainting this Houſe therewith, and receiving further Order from this Houſe, that it is lawful for ſuch Member, or any other Perſon, to aſſiſt him, and ſtand upon his or their Guard of Defence, and to make Reſiſtance according to the Proteſtation taken to defend the Pivilege of Parliament.

'Mr. *Francis*, Serjeant at Arms, ſending in Notice, That he was commanded to deliver a Meſſage from his Majeſty to Mr. Speaker, whereupon he was called in to the Bar, without the Mace, and there he delivered this Meſſage:

'I am commanded by the King's Majesty, my 'Master, upon my Allegiance, that I should come 'and repair to the House of Commons, where Mr. 'Speaker is, and there to require of Mr. Speaker five 'Gentlemen, Members of the House of Commons; 'and that these Gentlemen being delivered, I am 'commanded to arrest them, in his Majesty's Name, 'of High Treason; their Names are Mr. *Holles*, Sir 'Arthur Hasilrigge, Mr. *Pymme*, Mr. *Hampden*, and 'Mr. *William Strode*.'

'Mr. Chancellor of the Exchequer, the Lord *Falkland*, Sir *Philip Stapleton*, and Sir *John Hotham*, are appointed to attend his Majesty; and to acquaint his Majesty, That this Message from his Majesty is a Matter of great Consequence; it concerns the Privilege of Parliament, and therein the Privilege of all the Commons of *England*; that this House will take it into serious Consideration, and will attend his Majesty with all Humility and Duty, with as much Speed as the Greatness of the Business will permit; and that, in the mean Time, this House will take Care that those Gentlemen, mentioned in the Message, shall be ready to answer any legal Charge laid against them.

'Mr. Speaker did, by Command of the House, enjoin these five Members particularly, one by one, to give their Attendance on this House, *de Die in Diem*, till the House take further Order.

'Ordered, That the Serjeant do acquaint Serjeant *Francis*, who attends without, that this House will send an Answer to his Majesty, to the Message he brought, by Members of their own House.

'*Jan.* 4, 1641. *P. M.* His Majesty came into the House, and took Mr. Speaker's Chair.

Gentlemen,

'I am sorry to have the Occasion to come unto 'you; I sent a Serjeant at Arms, upon a very impor- 'tant Occasion to apprehend some, by my Command, 'who were accused of High Treason, whereunto I 'did expect Obedience, and not a Message; and I 'must declare unto you here, That albeit no King 'that ever was in *England* shall be more careful of

'your

'your Privileges, to maintain them to the utmoſt of 'his Power, than I ſhall do, yet you muſt know that, 'in Caſes of Treaſon, no Perſon hath a Privilege; and 'therefore I am come to know if any of theſe Per-'ſons that I have accus'd are here; for I muſt tell you, 'Gentlemen, that, ſo long as theſe Perſons that I 'have accuſed (for no ſlight Crime, but for Trea-'ſon) are ſecreted, I cannot expect that this Houſe 'will be in the right Way that I do heartily wiſh it; 'therefore I am come to tell you, that I muſt 'have them whereſoever I find them.—Well, ſince 'I ſee that all the Birds are flown, I do expect from 'you that you ſhall ſend them unto me as ſoon as 'they return hither; but I aſſure you, on the Word 'of a King, I never did intend any Force, but ſhall 'proceed againſt them in a legal and fair Way, for 'I never meant any other.

'And now, ſince I ſee I cannot do what I came 'for, I think this no unfit Opportunity to repeat 'what I have ſaid formerly, That whatſoever I have 'done in Favour, and to the Good, of my Subjects, 'I do mean to maintain, *&c.*

'I will trouble you no more; but tell you I do 'expect, as ſoon as they come to the Houſe, you 'will ſend them to me; otherwiſe I muſt take my 'own Courſe to find them.'

'When the King was looking about the Houſe, the Speaker ſtanding below by the Chair, his Majeſty aſked him Whether any of theſe Perſons were in the Houſe? Whether he ſaw any of them? And where they were? To which the Speaker, falling on his Knees, thus anſwered:

May it pleaſe your Majeſty,

'I have neither Eyes to ſee, nor Tongue to ſpeak, 'in this Place, but as the Houſe is pleaſed to direct 'me, whoſe Servant I am here; and I humbly beg 'your Majeſty's Pardon, that I cannot give any other 'Anſwer than this to what your Majeſty is pleaſed 'to demand of me.'

'*January* 4, 1641. Whereas his Majeſty, in his Royal Perſon, Yeſterday, being the 4th Day of *January*,

1641, did come to the Houſe of Commons, attended with a great Multitude of Men, armed in a warlike Manner with Halberds, Swords, and Piſtols, who came up to the very Door of the Houſe, and placed themſelves there, and in other Places and Paſſages near to the Houſe, to the great Terror and Diſturbance of the Members thereof then ſitting; and, according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of both the Kingdoms of *England* and *Ireland*; and his Majeſty, having placed himſelf in the Speaker's Chair, did demand the Perſons of divers Members of that Houſe to be delivered unto him: It is this Day declared by the Houſe of Commons, That the ſame is a high Breach of the Right and Privilege of Parliament, and inconſiſtent with the Liberties and Freedom thereof; and therefore this Houſe doth conceive they cannot, with the Safety of their own Perſons, or the Indemnity of the Right and Privilege of Parliament, ſit here any longer, without a full Vindication of ſo high a Breach, and a ſufficient Guard, wherein they may confide; for which both Houſes jointly, and this Houſe by itſelf, have been humble Suitors to his Majeſty, and cannot yet obtain.

'*Jan.* 13, 1641. Articles of Impeachment againſt five Members of this Houſe, depending in the Lords' Houſe, were read.

'Lord *Grey* is to go up to the Lords with this Meſſage, to acquaint their Lordſhips that this Houſe finds, under the Clerk's Hand of their Houſe, that there are Articles of High Treaſon exhibited in their Houſe againſt divers Members of this Houſe, and to deſire their Lordſhips to be pleaſed to inform this Houſe who did bring in the ſaid Articles.

'Lord *Grey* brings Anſwer, That Mr. Attorney-General did exhibit thoſe Articles.

'Mr. *Brown* reports from the Committee appointed to conſider of Heads of a Conference, concerning the Articles againſt the five Members of this Houſe. *in hæc Verba:*

'Whereas we underſtand from your Lordſhips, that the King's Attorney-General in the Houſe of Peers

Peers hath preferred these Articles of High Treason, and other Misdemeanors, against Mr. *Denzil Holles*, Sir *Arthur Hasilrigge*, Mr. *John Pymme*, Mr. *John Hampden*, and Mr. *William Strode*, Members of the House of Commons, we declare that this is a high Breach of the Privilege of the House of Commons, for which in due Time we shall desire Justice; and for the Intent that the Truth may be discovered, and that legal Proceedings may be speedily had, we desire your Lordships to require Mr. Attorney to answer these Questions.

'The four Questions proposed to be asked him, and his Answers. *Vide January* 15, 1641.

'Resolved, *&c.* That these shall be the Heads of the Conference, and that these Questions shall be then offered to the Lords to be propounded to Mr. Attorney.

'Resolved, *&c.* That the Impeachment made by Mr. Attorney in the House of Peers against the five Members of this House, is a high Breach of the Privilege of this House.

'*Jan.* 15, 1641. Ordered, That some Way be thought of for charging Mr. Attorney by this House as criminous, for exhibiting these Articles in the House of Lords against Members of this House, without any Information or Proof that appears; and that this House, and the Gentlemen charged by him, may have Reparation from him; and that he may put in Security to stand the Judgment of Parliament.

'Resolved, *&c.* That this Act of Mr. Attorney's, in this Impeachment against Members of this House, is illegal, and a high Crime.

'Resolved, *&c.* That the Lords shall be desired by a Message, that Mr. Attorney put in good Security to stand to the Judgment of Parliament.

'Resolved, *&c.* That the Impeachment made by Mr. Attorney in the House of Peers against the five Members of this House, and the Proceedings thereupon, is a high Breach of the Privilege of Parliament.

'Bill against Mr. Attorney ordered *Feb.* 2, 1641. Articles of Impeachment against him, *Feb.* 12, 1641.

The End of these Orders, &c.

A LETTER *from* WILLIAM LENTHALL, *Esq; Speaker of the Long Parliament, to the Speaker of the Convention Parliament. Read in the Houſe* June 11, 1660.

To the Right Hon. Sir Harbottle Grimſton, *Bart. Speaker of the Lower Houſe of Parliament.*

Mr. Speaker,

Mr. *Lenthall*'s Letter to the Parliament.

'I Find it not poſſible for me to take off the Miſapprehenſions of ſome Perſons, miſled by Arguments, of my great Gains which I got when I ſat in your Chair, and eſpecially that of Compoſitions, where it is thought I had 5 *l.* of every Compounder. 'Tis true, both Houſes did ſo order it, but very ſhortly it was again diſannulled; ſo that what I received of that was very inconſiderable, as may appear by Examination of the Books of the Houſe, and the Serjeant at Arms; and the Clerks firſt reſerving their Parts, paid mine unto me, which is a Check upon me. And as to the Profit concerning paſſing of private Bills, as it is paid by the Clerks, ſo it is check'd as aforeſaid.

'Before his late Majeſty's going from *London*, the Houſe took into Conſideration my great and extraordinary Charge and Loſs, and gave me, by Vote, 6000 *l.* but I never to this Day received the one Half of it; beſides which I never had Gift of Land or Money, nor any Part of that 5 *l. per Diem* which is due to the Speaker, as Speaker, whilſt he ſo continues. I ſhall deſire you, Sir, to offer ſo much of this as ſhall be neceſſary to expreſs me, with all Humility, to the Houſe; but not as a Juſtification of myſelf, but to ſhew the Truth of my Condition. And this will very much oblige, Mr. Speaker,

Your moſt humble and faithful Servant,

W. LENTHALL.

From an Original in Dr. *Williams*'s MS. Collections, Vol. VIII. N°. 127. *William Lenthall*, Esq; died *Sept.* 3, 1662, and very penitent, as appears from the following Account, in a Letter from Dr. *Ralph Bridcock*, who visited him in his last Sickness.

Account of the Death of *William Lenthall* Esq;

'WHEN, says he, I came to his Presence, he told me he was very glad to see me, for he had two great Works to do, and I must assist him in both; to fit his Body for the Earth, and his Soul for Heaven; to which Purpose he desired me to pray with him: I told him the Church had appointed an Office at the Visitation of the Sick, and I must use that; and he said, *Yes, he chiefly desired the Prayers of the Church*, wherein he joined with great Fervency and Devotion. After Prayers he desired Absolution; I told him I was ready and willing to pronounce it, but he must first come to a Christian Confession and Contrition for the Sins and Failings of his Life. *Well, Sir*, said he, *then instruct me to my Duty*. I desired him to examine his Life by the Ten Commandments, and wherein he found his Failings, to fly to the Gospel for Mercy. Then I read the Ten Commandments to him in Order, mentioning the principal Sins against each Commandment. To pass by other Things, (under the Seal of the Office) when I came to the fifth Commandment, and remembered him, That Disobedience, Rebellion, and Schism, were the great Sins against this Commandment, *Yes, Sir*, said he, *there's my Trouble; my Disobedience, not to my natural Parents, but against the* Pater Patriæ, *our deceased Sovereign. I confess, with* Saul, *I held their Cloaths whilst they murdered him; but herein I was not so criminal as* Saul *was, for, God thou knowest. I never consented to his Death; I ever prayed and endeavoured what I could against it, but I did too much, God forgive me.* I then desired him to deal freely and openly in that Business, and if he knew any of those Villains that plotted or contrived that horrid Murder, who were not yet detected, he would now discover them. He answered, *He was a Stranger to that Business*,

in's, but Soul never entered into that Secret; but what concerns myself, said he, *I will confess freely. Three Things are especially laid to my Charge, wherein, indeed, I am too guilty: That I went from the Parliament to the Army; that I proposed the bloody Question for trying the King; and that I sat after the King's Death. To the first I give this Answer, That* Cromwell, *and his Agents, deceived a wiser Man than myself, that excellent King, and then might well deceive me also, as they did. I knew the Presbyterians would never restore the King to his just Rights, as those Men swore they would. For the second, no Excuse can be made, but I have the King's Pardon, and I hope Almighty God will shew me his Mercy also; yet, Sir,* said he, *even then, when I put the Question, I hoped the very putting the Question would have cleared him, because I believed there were four to one against it; but they deceived me also. To the third, I make this candid Confession, That it was my own Baseness, Cowardice, and unworthy Fear, to submit my Life and Estate to the Mercy of those Men that murdered the King, that hurried me on against my own Conscience to act with them; yet then I thought also I might do some Good, and hinder some Ill. Something I did for the Church and the Universities; something for the King when I broke the Oath of Abjuration, as Sir* O. B. *and yourself know; something for his Return also too, as my Lord* G. M. J. T. *and yourself, know: But the Ill I did over-weighed the little Good I would have done. God forgive me for this also.* After this I remember'd him, That the Fathers of the Church had also been murdered and ruined, and ask'd, Whether he had any Hand, or gave any Consent therein? He answered, *No; for I always did believe That was the primitive and best Government of the Church*; and said, *I die a dutiful Son of the Church of* England, *as it was established before these Times; for I have not seen the Alteration of the Liturgy.* After this Office, wherein, indeed, he shewed himself a very hearty Penitent, he again desired the Absolution of the Church, which I then pronounced, and which he received with much Content and Satisfaction; *For*, said he, *now, indeed,*

indeed, do I feel the Joy and Benefit of the Office which Christ hath left in his Church. Then praying for the King that he might long and happily reign over us, and for the Peace of the Church, he again desired Prayers. The next Day he received the Sacrament; and after that Work I desired him to express himself to Mr. *Dickerson*, (a learned Physician, Fellow of *Merton College*, who received the Sacrament with him) concerning the King's Death, because he had only done it to me in Confession; which he did, to the same Effect as he had done to me. The rest of his Time was spent in Devotion and penetential Meditations to his very last.'

A LETTER, *written from* London *unto a Burgo-Master of* Amsterdam, *touching the Lord* Shaftesbury*'s Life and Conversation, from the Time he was in King* Charles *the First's Service at* Oxford, *unto this Day. From a Manuscript.*

SIR, *London, Jan.* 5, 1682.

'YOURS of the 18th of *December* last past came safe to Hand, in which you give me an Account of the Arrival of the Earl of *Shaftesbury* and *Waller*, with others of that Cabal, now stigmatized with the Name of the Rump of the Association, or Protestant Plotters; and I am also to thank you for the printed Verses you sent me: But as to what you desire touching my giving you a Character of *Shaftesbury*, *Waller*, *Ferguson*, and others, now residing in your City, I do assure you that I am very uncapable. Besides, it would be too large a Theme for a Letter; but, because you shall see that I am willing to gratify your Desires in every thing in my Power, I shall give you a short Narrative of the Earl of *Shaftesbury*, Sir *William Waller*, and Mr. *Ferguson*.

Letters relating to Lord *Shaftesbury*'s Life and Death.

'The Earl of *Shaftesbury* was, in the late rebellious Times in *England*, first a Captain in the King's Army, who, finding that the King's Army were like to be worsted by the Treasons then on the Tapet, he then deserted the King's Interest, and went

went over to the Parliament then in Rebellion againſt the King; and there he ſtaid no longer than he found the Parliament in Proſperity and Power againſt the Inſolencies of their own Army. Then did this Sir *Anthony Aſhley Cooper* (for ſo was then his Character) quit his Maſter's Intereſt, and joined with the Army and *Cromwell* to deſtroy the Parliament, and ſet up a Protector; and then his next Deſign was to marry with a Daughter of *Cromwell*, and to be one of *Cromwell*'s Council: The latter he obtained, but not the Daughter. This incenſed Sir *Anthony*, and then he joined with the Cabals againſt the Protector, and was revenged on the Protector's Son, *Richard Cromwell*. The next Deſign he had was to join with the Rump Parliament and Committee of Safety, and was a chief Leveller amongſt *Lambert*'s Party. And, laſtly, finding that the Heavens began to frown on the rebellious Parties in *England*, and that he, diſcovering that General *Monke* was marching up for *London* with his Army, againſt the Rump Parliament, he, like a crafty Politician, early thruſt himſelf into the Deſigns of General *Monke*, reſtoring to *England* their lawful King, whoſe Right it was to reign. Here might you find Sir *Anthony* very highly engaged againſt the City of *London*, counſelling General *Monke* to march his whole Army into *London*, and to quarter them there untill they had pulled off the Gates of the City, and imprifoning ſuch of the Aldermen and Magiſtrates of the City, untill they had ſigned to ſuch arbitrary Conditions as *Monke* propoſed to them; all which, in thoſe Days, were no Crime in Sir *Anthony Aſhley Cooper*, altho' now it's thought a Crime for to have the City governed by Law, and the very Laws of the Land.

'In the next Scene that Sir *Anthony* was acting a Part in, was his ſitting as a Judge at the *Old Bailey*, hanging, drawing, and quartering his old Maſters and Comrades, for the Treaſons that he himſelf had a Part in: And now is Sir *Anthony* made a Baron of *England*, Chancellor of the Exchequer, and become an humble Servant of the King's: But here his Ambition would not ſtick, for he muſt be an Earl,

and have the King's Bounty both in Grants of Lands, and no leſs than 10,000 *l.* at a Time given him out of the Treaſury. Here might you ſee *Shafteſbury* in all Cabals, and a chief Contriver in that Cabal where the five firſt Letters of their Names ſpelt Cabal. In this Cabal he could not reſt, but muſt have a new Deſign there; muſt be at War with *Holland*, and then there was Hopes that he might riſe to be a Treaſurer of *England*. Here he craftily perſuaded the King to ſhut up the Exchequer, and other Counſels were given now, by ſad Experience, prejudicial to the King and Kingdom, as ſhutting up the Exchequer, breaking the League, and ſeizing the * * * * * * * * * [a] And at this Day might you have heard *Shafteſbury*, in Parliament, adviſing the King and his great Council to proſecute ſuch a War againſt *Holland* as might level that proud, rebellious City of *Amſterdam*, (as he termed it) even with that of *Carthage*, *Delenda eſt Carthago*; a moſt unchriſtian-like Expreſſion, they being a Proteſtant City and Government. And here give me Leave to obſerve to you, that it is very remarkable that it is a great Judgment of God upon *Shafteſbury*, that he is now forced to fly to this *Carthage* for a merciful Protection.

'But to return to his Lordſhip: He then finding that Peace was made between his Majeſty and the States General of the United Provinces, and that he had miſſed the Treaſurer's Place, he then, with others of his Cabal, over-perſuaded the King to diſſolve a loyal Parliament, that then all the troubleſome Spirits of the Nation might make up a Deſign with his Lordſhip, in Parliament, to ſubvert the Government and Religion, if poſſible. And now to tell you how many inſolent and indecent Speeches were made in Parliament by his Lordſhip and his Party, would ſwell this to a great Volume; I will only tell you, that his Lordſhip at laſt grew ſo ſeditious and ſo troubleſome, that he ſtopped not at the Endeavours of altering the Form of Government, but ſtruck at the very Foundation of ſubverting the whole Body of the Law, and Kingly Government, both

* Not legible in the Manuſcript.

both in Church and State; againſt the which Proceedings of this *Shafteſbury*'s Aſſociation, the moſt Part of the Provinces, Cities, and Towns, have made their Addreſſes and Abhorrences of ſuch a traiterous Deſign. Theſe are the ſmall Faults for which *Shafteſbury* is fled from the Hands of Juſtice in *England*.

'And now as to Sir *William Waller*, his Crimes are ſufficiently known, and the Reaſons of his quitting *England*, which is for robbing ſeveral Roman Catholics of their Books and Pictures, upon Account of ſearching for Prieſts; and theſe Books and Pictures being now ſold and pawned for Money, Sir *William Waller* is forced to fly, being indicted, and Actions brought againſt him for his unjuſt Proceedings.

'And as for *Ferguſon*, he is not worth my naming him, being an inconſiderable *Browniſt* Teacher of the *Browniſt* Church, in *Amſterdam*; a Fellow that hath written and publiſhed ſeditious, treaſonable Lies againſt the King and Government, for which he had had his Reward, had not the Meſſenger been one half Hour too late at his Quarters in *London*.

'Thus I have given you a ſhort Character of thoſe you make Mention of in your Letter; and as touching that Point in your Letter which ſpeaks of their being made Burghers of your City, I will only ſay this to your Magiſtrates, That they, being wiſe Men, certainly will think of the making them Burghers ten Times over before they do it; for they ought to have bad Opinions of ſuch Men who have ſo often changed their Coats, both in Religion and Government, and therefore may do the like there, at leaſt inſinuate into the States Subjects ſome of their own baſe, rebellious Principles; and when Opportunity ſhall preſent, may act over the ſame Things they have done to their own lawful Sovereign, unto Strangers. I will ſay no more but conclude, that I ſtand much amazed that the ſober *Hollander*, who formerly writ thoſe Words, *delenda eſt Carthago*, in Stadthouſes, as a Memorial, ſhould be ſo very charitably kind to his Lordſhip and his Crew, as I hear they are, the which I will

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not believe untill confirmed by you; nor can I believe that the proud, aſpiring Spirit of the great Lord *Shafteſbury* can long endure to live as he now doth, having changed the Company of Princes and Noble Peers of *England*, and content himſelf with the Company of broken Merchants, nay Weavers, and ſuch Raſcality as the *Browniſts'* Church do afford him in *Amſterdam*, for I hear that not one of the ruling Magiſtrates, or any of the Miniſters of the Churches eſtabliſhed by the Government, come near him, but are angry with him for joining himſelf with the *Browniſts'* Church, who are looked upon as the greateſt of Diſſenters from the Preſbyterian *Church*, and ſcarce one Man amongſt them but is either Perſons fled from the Rod of Juſtice of *England*, or elſe the Sons of Traitors or diſaffected Perſons to the King and Government, as may be named, Mr. *Cromwell*, Mr. *Phelps*, Mr. *Vener*, Mr. *Medlay*, Mr. *Freeman*, *Iſrael Hayes*, Alderman *Hayes*'s Son, Sir *William Waller*'s Landlord, *Thomas Garett*, and others.'

A LETTER *written from* Amſterdam *unto a Citizen of* London, *in which is a Relation of the Death of the Earl of* Shafteſbury, *in Anſwer to the foregoing.*

SIR,

'YOUR Letter of the 15th of *January* laſt, in which you ſent me a brief Character of the Earl of *Shafteſbury*, Sir *William Waller*, and Mr. *Ferguſon*, came not to my Hands untill the very Day that the Earl of *Shafteſbury* died, yet I have made Uſe of it by giving Copies of it to ſome of our Magiſtrates, and alſo to ſome of the preaching Miniſters of our Church, who, believing his Lordſhip to be ſuch a Sort of a Chriſtian as you have painted him out to be, are very glad that Providence hath rid them of ſo ill a Gueſt, as he might have proved to be to their Government; fearing that his bad Principles might, in Time, have poiſoned the giddy Mobile of *Amſterdam*, as it hath done in *England*. I hope his Death will diſperſe the ſmall inconſiderable Party he had

had with him in our City. When his Lordſhip firſt came to *Amſterdam*, his Agents, Mr. *Ferguſon*, Mr. *Iſrael Hayes*, and others, endeavoured to perſuade us that there were ſeveral Noblemen, and above 200 rich Merchants of *London*, that were all deſigned to quit *England*, and, if poſſible, make themſelves Burghers of our City; all which proves very falſe, for I find that theſe great Numbers of rich Noblemen and Merchants are ſumm'd up in a Bankrupt Knight, a ſcandalous *Scots* Independent Parſon, formerly a Teacher of the *Brownijts'* Church in *Amſterdam*, and about five or ſix miſerable poor Printers and Bookſellers, who, now the Earl is dead, muſt either live on the Poor's Box of the *Brownijts'* Church, or elſe, with Ropes about their Necks, beg their Pardon of the mercifulleſt of Princes. And here give me Leave to remark ſomething you mention in yours to me, and that was where you ſay, That certainly the turbulent, reſtleſs Soul of the Lord *Shafteſbury* could not long ſubſiſt and live among ſuch a Raſcality of People as his Lordſhip had to converſe with, the which, I underſtand, was the great Cauſe that haſtened his End, for I am informed, that when he found that the Magiſtrates and Miniſters of *Amſterdam* did not viſit and court him, as was promiſed his Lordſhip by the *Engliſh* Fanatics of *Amſterdam*, eſpecially being refuſed to be made an Upper Burgher, (as they term it) and his Lordſhip receiving rather a Diſcouragement from the Magiſtrates than otherwiſe, as may appear by the Burgo-Maſter's Speech to your Council; I ſay this was That that has ſhortened his Days, and ſo died miſerably in a broken Coffey-Man's Houſe, one of the Elders of the *Brownijts'* Church. I will ſay no more, but wiſh that all the Enemies of your King, and our States, and the Prince of *Orange*, may make no more honourable a *Fiat* than this once great Peer of *England* hath done.

Yours to command.

The END of the TWENTY-THIRD VOLUME.

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